

# **THE REPORTING AND PUNISHMENT OF INTERNAL OFFENCES AT CHRISTCHURCH WOMEN'S PRISON: A DESCRIPTIVE STUDY.**

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# ABSTRACT

This study investigated infractions at Christchurch Women's Prison (C.W.P), an all security rating institution for women. All the incident and misconduct reports and the punishments imposed on all sentenced female inmates were analysed for a 10 month period. Information was obtained from incident and misconduct reports and the inmates' personal files. The inmate files were examined to gather data on the age, ethnic group, major offence, length of sentence, and previous prison experience of each inmate.

The study had three main aims. The first was to investigate whether the reporting of incidents and misconducts (infractions) and the punishments given to the female inmates at the prison were influenced by the personal and criminal history variables of the inmates. The finding was that the inmate's age, ethnicity and previous incarceration experience were related to the reporting of incidents and misconducts and to the penalties imposed; but that the other inmate variables studied did not seem to have as great an effect. The second aim was to establish what types of incidents and misconducts were being reported during the research period. It was found that the most frequently reported misconducts were those involving Inmate - Officer Interactions, and that these offences were also punished the most severely. The third aim was to discover whether the claim by many researchers that women inmates are more likely than men to be written up for minor misconducts was justified and relevant in the case of C.W.P. This claim was found to have some substance at C.W.P.

The study is viewed overall from an interactional perspective, relevant theories include: Johnson's two hypotheses of rule violations, importation and derivation models, and stereotyping and labelling theories.

The implications of the findings are discussed in reference to areas that could be addressed in New Zealand penal policy such as: the legislation defining offences by inmates, the selection and training of officers, and the orientation programmes in place for new inmates.

# CHAPTER 1

## WOMEN AND CRIME

### 1.1 THE CRIMINOLOGY OF WOMEN

The criminology of women has long been a neglected subject area. The research on crime and criminals has been almost totally focused on male deviance and until recently female deviance has been ignored. This nearly complete silence is explained partly by the fact that women criminals are so few and probably partly by the fact there are far more male than female criminologists. Feminist criminologists propose that the problem of crime has been seen through male eyes and thus viewed as a male problem in a male society (Pollock-Byrne, 1990). Recently, however, there has been a growing awareness of the need for research into women's crime and as a result there has been an increase in the amount of material published in the last decade. Although research on female prisons and prisoners is no longer rare, it is still the exception to the rule, which consists of studying male prisons and prisoners.

Although the amount of research on female inmates and prison has increased in the last few years the literature on women, adjustment to prison life, relationship with officers and disciplinary infractions is still minimal.

### 1.2 THE FEMALE PRISON SYSTEM

Hawkins & Alpert (1989) claim that prisons for women are "the symbolic backwaters of the correctional stream" (p.300). Separate institutions for women have a shorter history than men's prisons in America. As in New Zealand they are few in number and small in inmate population size, in part a reflection of the lack of female involvement in criminal behaviour. A major dilemma facing women inmates is that there has never been enough of them. Ironically, the small proportion of women prisoners meant that separate women's institutions were not cost efficient (Freedman, 1981; Gibson, 1976, cited by Hawkins & Alpert, 1989). The separate institutions which have been established for women lack an inmate population base to sustain multiple programmes. In New Zealand, as well as overseas, the small numbers of women inmates has meant that the quality of facilities and opportunities for them has not always been on a par with male inmates. They have either received them later or not at all. Roper (1989) quotes one submission from a woman prison chaplain:

It is of some concern to me that the organisation and management of women's prisons seem largely defined by masculine criteria, using and serving male models of authority and power and catering for traditionally perceived needs of male offenders, without much consideration of the fact that in this process, the needs and concerns of women, both staff and prisoners, may be ignored or neglected . . . women cannot help but be subsumed under policy for the men, for reasons of convenience and cost effectiveness (p. 159).

Since there are so few women's prisons, women of all ages and all crimes are thrown together. The population is also much more heterogeneous than in men's prisons where there is the opportunity for some degree of classification. Morris (1987) claims that classification systems serve two purposes: they are to provide the type of security arrangements necessary to protect society and to consider the personal characteristics of the individual insofar as these may reflect possibilities for training. But most states (as in America) or countries (as in New Zealand) have few institutions for women and so in effect women remain unclassified. In contrast, an effort is made to separate experienced male offenders from the less dangerous. Consequently, though only a small percent of female offenders are estimated to be dangerous, most women are in closed conditions. They are also often a long way from their families. Roper (1989) refers to the situation in New Zealand:

Advantages once gained have often been lost to meet the needs of male inmates. Moved from one location to another, in the space left as new prisons or units have been built for men, most women have been and still are detained hundreds of miles from family and support systems (p. 157).

Pollock-Byrne (1990) in her book *Women, Prison and Crime* claims there are three basic facts which characterise women's institutions in the United States. First, they are smaller than most prisons for males. Second, there are fewer of them. Third, they are different from prisons for males; this is also true for women's prisons in New Zealand.

### **1.2.1 Female Prisons in New Zealand**

There are three institutions in New Zealand that hold female inmates: Arohata Women's Prison (106), Christchurch Women's Prison (63), and the female division of Mount Eden Prison (46). The capacity of these prisons, as stated in the Census of Prison Inmates 1991, is noted in brackets: the total capacity is 215 (Braybook & Southey, 1992).

Each institution is different. In general, Arohata, near Wellington, houses women on remand, those serving short and medium-term sentences, those in minimum and medium

security classification and all women sentenced to corrective training. Mount Eden Women's Division, in Auckland, is essentially a transit institution and accommodates remand and short-term inmates and those awaiting transfer. It also holds women in the three security levels. Christchurch (opened in 1974) is the only women's prison in the South Island and holds women on remand and sentenced inmates in the three security levels (Department of Justice, 1988).

Roper (1989) concluded from a survey of women's imprisonment in New Zealand that two central themes can be drawn which influence the experience. First, institutional demands to accommodate increasing numbers of male inmates have consistently determined the location and conditions under which women have been imprisoned. Roper says that the location of women's prisons has never been made on the basis of their needs. Secondly, says Roper, women have always received differential treatment for reasons which have varied through time. This differential treatment started with the nineteenth-century stereotypes of women as depraved and irredeemable and in the twentieth century changed to the image which saw women's criminality as wayward, delinquent and childlike (Roper, 1989).

Roper (1989) claimed, however, that women's prisons provide a closer approximation of what his committee saw as humane containment than that found in any of the men's prisons they visited (perhaps because they are smaller in size and numbers?).

### **1.3 THE FOCUS OF THE PRESENT STUDY**

This study explores the official reporting of internal offences<sup>1</sup> at Christchurch Women's Prison (C.W.P) as well as the punishment of these offences. The main focus is on who is committing rule violations at the prison, what violations are being committed and how they are being punished. Various perspectives (mainly from overseas studies) have been investigated regarding the disciplinary infractions of prison inmates; and, where possible, the review will concentrate on women's prisons and female inmates. Unfortunately, however, little research has been undertaken into disciplinary offences by female prisoners; so that often, in the absence of such research, it will be necessary to study findings on offences by male prisoners. In the review of research findings which follows the only thing we can agree on is that the researchers disagree on nearly everything; however, the insights they provide into overseas prisons must be relevant to any study of New Zealand prisons.

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<sup>1</sup> The title of this thesis refers to 'internal offences' in the prison. These offences will also be referred to as: disciplinary infractions, disciplinary offences, rule violations, infractions, offences, and misconducts.

A full explanation of why particular individuals or groups commit or are reported more often for offences is not attempted, although a brief overview of possible explanations for the committal of rule infractions is included and explored.

# CHAPTER 2

## RULE VIOLATIONS

Rule violations can be viewed in a number of ways. They can be seen as a reaction to a type of environment and as an inmate's adjustment to that environment: both personal factors, which an inmate imports into the prison situation, and institutional variables play a part in an inmate's adjustment to the environment. Violations can also be viewed as the end result of a decision-making process by an officer as to whether an offence has occurred, and if he or she will report it as such: rule violations as a consequence can be studied in the context of discretionary decision-making by an officer. When the officer is studied the natural progression should be to look at management issues involved in the offence area, such as: the training of officers in decision-making on what constitutes an offence and what does not; how much discretion is afforded an officer; how accountable an officer is held for his/her decision; whether clear guide-lines are given to officers by management and in training so that consistent application of the rules is possible; and, at a higher level, how in line with the present times the laws defining offences are.

The following chapters will cover the theoretical background for rule violations as well as looking at the role of individual characteristics in infractions, who commits the offences, who is written up on charges, and possible explanations for why certain groups or individuals are seen to commit a greater number of rule violations than others. The areas that will be focused on include: male and female infraction rates, the types of offences committed, and the part age, ethnicity, previous incarceration status, major offence type, and length of sentence play in the committal of infractions.

### 2.1 MODELS AND THEORIES

#### 2.1.1 Johnson's Two Perspectives on Rule Violations

Johnson (1966) from his study of factors in infractions in the Southern United States prison system, believed that rule violations could be interpreted from two points of view. Firstly, they may be viewed as demonstrations of the inmate's failure to adjust to the prison community. Secondly they may be interpreted as barometers of the relative importance the prison administration places upon various forms of inmate deviation.

From the first perspective, physical and social isolation from free society requires the new inmate to adjust to the unfamiliar traditions, values and social relationships characteristic

of prison confinement. From this perspective the quantity of infractions would be a rough measure of the intensity of the inmate's maladjustment to the social environment.

From the second perspective, analysis is expanded to include the rule enforcers along with the targets of rules. Johnson suggested that differences among infraction rates might reflect selective attention by rule enforcers to particular classes of misconduct. Johnson claimed that those forms of misconduct which directly and flagrantly challenge high priority values were more likely to stimulate official reaction.

Johnson established two major classes of rule violations: challenges of control and manipulation of environment. By 'challenges of control' he meant those infractions in which the prison regime is the target of misconduct. These infractions are usually overt and the official response is correspondingly clear-cut.

By 'manipulation of environment' he meant the inmate's efforts to balance his personal wishes against the necessity to fit his behaviour within the limitations imposed by official rules. Misconduct in this category violates rules intended by officials to create an acceptable prison community but it falls short of encroachment on prison security. Johnson believed that the correctional officer had some latitude in reacting to such offences, and that this could open the way to differential handling of cases on the basis of the officer's evaluation of the inmate as an individual or as a member of a stereotyped group. This is particularly the case when there is a large middle area of uncertainty where it is not clear whether an inmate is committing an offence or not. Examples are the vague areas between clearly inadequate and adequate work performance and between clear-cut disobedience and complete obedience.

### **2.1.2 Deprivation**

The deprivation model proposes that intra-institutional pressures and problems generated by the actual experience of imprisonment lead to maladaptation by an inmate. An alternative explanation proposed was the "functional deprivation" model. Perhaps, Goetting and Howsen (1986) suggest, misbehaviour on the part of prisoners is a function of or response to the pains and/or deprivations of prison life. And perhaps those pains and deprivations are experienced most acutely by particular components of the inmate population.

Aspects of inmate lifestyles during incarceration have been examined for their effects on inmate deviance. Wooldredge suggested that deviant behaviour may be more common among inmates who feel greater frustration and emotional stress resulting from their day-

to-day routines. In addition, some characteristics of daily routines may increase opportunities for inmates to engage in deviant behaviour.

Hawkins and Alpert (1989) in their discussion of the American prison system also reviewed the deprivation model with reference to inmates' adjustment and to the formation of inmate subcultures. They claim that the "contention of the deprivation model is that inmate roles and oppositional subcultures evidenced by the inmate code and prisonization are the direct result of the conditions of incarceration" (1989, p. 236). They state that the prison-created deprivations such as: isolation from friends and family; restriction of time and mobility choices; forced associations and work assignments; heavy surveillance and exposure to "arbitrary and often contradictory rules" (1989, p. 337) lead to the establishment among the inmates of an environment for collective adjustment. The deprivation model views the inmate sub-culture (which involves anti-staff attitudes and behaviour) as a result of inmate adaptation to the deprivations of prison life. Pollock-Byrne (1990) in her book on women, prison and crime also argues that the deprivation model explains that the deprivations of prison life create the need for a subculture to meet the needs of the prisoners.

A second part of the deprivation model discussed by Hawkins and Alpert (1989) is the idea of identity-stripping: this involves the claim that inmates lose their previous self-concepts and are forced to construct new ones out of the material at hand in the prison environment. Goffman (1961, cited by Hawkins & Alpert, 1989) terms this "mortification of the self", where prior self-conceptions are "liquidated by staff actions like imposing similar uniforms, haircuts, numbers instead of names, removal of personal possessions and identifiers (identity pegs), and the constriction of contacts with previous associates (limitations on visits, letters, etc.)" (1989, p. 237).

### **2.1.3 Importation**

In contrast to the deprivation model, the importation theory highlights the effects that pre-prison socialisation and experience can have on adaptation to prison life. Goetting and Howsen (1986) suggest that misbehaviour may be a result of a deviant population "importing" its deviance into the prison. From this perspective, they said, inmate misconduct is "simply a manifestation of a criminogenic inclination in the penal setting" (p. 63).

Irwin and Cressey (1962, cited by Wooldredge, 1994) expand the above idea and suggest that individuals with a greater likelihood of committing crime in general may be more likely to engage in deviant behaviour during incarceration. They import these characteristics into the prison system with them. Some of the pre-institutional variables



examined in previous studies include an inmate's age, race, ethnicity, marital status, type of offence for which an inmate was incarcerated, prior history of violent crime, and prior experience with incarceration.

In her discussion of inmate subcultures Pollock-Byrne (1990) claims that the importation model explains that the characteristics of the inmates themselves create the subculture. Specifically, she states, street gangs are brought into prison, and role types are based on previous criminal history and social class, as well as other individual variables; thus what exists in prison is what is brought to it from the outside. Irwin and Cressey (1962, cited by Hawkins & Alpert) argued for the primary role of these pre-prison influences on the shape of the inmate culture.

In summary the importation model suggests that previous contacts, socialisation, and criminal experiences will be brought into the prison to shape the inmate's response to the institution.

#### **2.1.4 Prison as a “Deep Freeze”**

An important argument related to the importation theory is Zamble and Porporino's hypothesis that prison acts as a “deep freeze”. Zamble and Porporino (1988), in their major study of coping, behaviour and adaptation in prison inmates, found little or no evidence for positive behaviour change in prison, just as they could see little evidence for generalised negative effects. Due to these findings Zamble and Porporino felt that these findings explained why prisons fail to change behaviour in the outside world by inmates who have been released from prison. They believe that individuals who enter prison with “inadequate behavioural repertoires or maladaptive modes of coping are bound to leave with the same (lack of) capabilities” (1988, p. 152). They claim that while men are in prison their outside behaviour patterns remain, in effect, frozen in time. Zamble and Porporino characterise imprisonment as the behavioural equivalent of a deep freeze, in which the outside behaviour of inmates is stored until their release. They also claim that as well as having his behaviour frozen in its original pattern, the prisoner is frozen developmentally. As a result, claim Zamble and Porporino, prisoners are released no better than when they entered. Zamble and Porporino's argument favours the view that the characteristics which an inmate imports into the prison community are stronger and more dominant than the effects of institutional deprivations and as a result the inmate leaves prison unchanged.

#### **2.1.5 Summary (Importation and Deprivation Theories)**

Wooldredge (1994) in his study of inmate crime and victimisation found that his data support the idea that a variety of both pre-institutional and institutional characteristics are

important for predicting an inmate's likelihood of committing rule violations during incarceration.

From the discussion of the importation and deprivation models in reference to rule violations, adjustment to the prison environment, and the development of inmate subcultures, it can be concluded that both the imported factors and deprivation factors of the institution would seem to interact to produce the inmate's behavioural responses to imprisonment. The literature reviewed in the following chapters suggests that current research favours the importation model as dominant over the deprivation model in the explanation of inmate behaviour, but the interaction of these two groups of factors is seen as of primary importance in an inmate's committal of offences as is their interaction with other institutional factors such as the prison officers and management.

### **2.1.6 Zamble and Porporino - An Interactionary Approach to Inmate Behaviour**

Zamble and Porporino (1988) point out that very few models have considered how specified aspects of the environment will affect individuals with differing behavioural propensities, or how individuals with particular personal characteristics will react to variation in external conditions and situations (p. 3). They believe that behaviour cannot be determined solely by environmental conditions or solely from internal characteristics and suggest that interaction between individuals and situations will be the most powerful predictor of behaviour.

Zamble and Porporino in their research sought an understanding of how prisons affect individuals and how individuals function to shape their prison experiences. They aimed to study not just the conditions and situations that arise during imprisonment but also how individual offenders come to perceive these conditions, react to situations, and behave differently as their term progresses. They assumed that the determinants of real behaviour were "complex, multiple, and interactive" (1988, p. 5).

Zamble and Porporino (1988) chose to use coping theory in their study of prison inmates, which involves an interactionary approach. They give an example of how coping behaviours can represent the interaction between the person and the objective reality of circumstances (in this case the prison environment) by considering two individuals who are facing a long prison term:

Both experience the same environment. . . . Given the objective reality, both will find that events that occur in prison are often beyond their control. However, as a result of his individual history and attributes, e.g., acquired beliefs, reinforcement history, and innate capacities, one person will interpret the lack of control as the

result of his own inadequacy. In contrast, the second individual interprets the situation as one where others have used and abused him and are continuing to do so. It is likely that the first person will sink into depression, apathy, and withdrawal; the second is more likely to become resentful, angry, and rebellious in an attempt to counter the control by others, even if it exacerbates his situation (p. 13).

The interaction between the personal characteristics of the inmate and the environmental situations can be seen above. The behaviour of inmates in relation to their adjustment to the situation can be viewed as a manifestation of the reaction between their personal attributes and the institution. Their reaction may be overt, or it may be withdrawn. Rule violations can be seen as a result of the adjustment pattern involving rebellious and angry behaviour; however, it should also be noted that an inmate may have difficulty in coping with the new environment but react in a totally different way by withdrawing and not exhibiting any overt maladaptive behaviour which would result in a misconduct charge.

### **2.1.7 Stereotyping and Labelling Theories**

The stereotyping and labelling theories could be said to relate to Johnson's (1966) second perspective of rule violations in that they involve the rule enforcers.

Myers (1990, p. 332) defines a stereotype as a generalisation about a group of people that distinguishes those people from others. Stereotypes can be over generalised, inaccurate and resistant to new information. Stereotypes also have a bad reputation because they are associated with prejudice and discrimination. "Prejudice involves prejudgement; it biases us against a person based solely on the person's membership in a particular group" (1990, p. 332). Myers claims that stereotypes are the beliefs out of which prejudicial feelings grow. In the prison context inmates from particular ethnic, age and offence groups may be linked together in a stereotypical way.

Ehrlich (1973), in his discussion of stereotyping in his book on the social psychology of prejudice, claimed that people react to the beliefs and disbeliefs that others hold of them. He said that people's own beliefs and disbeliefs are determined by their reactions. In turn, their reactions partly determine how they are viewed. Myers (1990) also referred to this phenomenon, he claimed that whenever a member of a group behaves as expected, the fact is duly noted; the prior belief is confirmed. When a member of a group behaves inconsistently with the observer's expectation, the behaviour may be explained away as due to special circumstances (Crocker et al., 1983, cited by Myers, 1990).

Myers (1990) did acknowledge, however, that when people get to know an individual they often set aside their stereotypes of the individual's group and judge the person individually. Stereotypes are more potent when judging unknown individuals and when judging and making decisions about whole groups (Myers, 1990, p. 366).

The present researcher hypothesises that the labelling theory may be an important idea in the understanding of inmate rule violations. An inmate may be seen as belonging to a particular group of inmates who have the reputation of trouble-makers, and because the inmate is associated with this group he or she is labelled a trouble-maker as well. Poole and Regoli (1980) extended this aspect of stereotyping theory in their study of discretionary decision-making in prison. They propose that stereotypic conceptions held by officers may lead to differential interpretations of inmate activity causing them to view infractions by one group or individual as more serious than comparative infractions by other inmates, or to define inmates with disciplinary records as more threatening than those with no such offence history. They suggest that prior official reactions may lead officers to a pattern of closer surveillance of labelled inmates. This greater vigilance is likely to result in more frequent detection of infractions. Inmates with a prior disciplinary record may also be differentially perceived by officers so that their behaviour is regarded as more serious, thus requiring official reaction. The officers may also view the presence of a prior disciplinary record as sufficient evidence for assuming the inmate is guilty (Poole & Regoli, 1980, p. 943).

In a related discussion of labelling effects, Hawkins and Tiedeman (1975, cited by Poole & Regoli, 1980) proposed that the behaviour of inmates is perceived, interpreted, and understood by officers through "processing stereotypes". They claim that as a result of institutional efforts to manage inmate activity, stereotypes are developed by which certain categories of inmates are to be more closely watched or guarded.

If the inmate or group of inmates perceive the attention of the officers as harassment or intimidation they may respond to what they see as discriminatory enforcement of the rules by becoming "insolent, defiant, or hostile" (Poole & Regoli, 1980, p. 944). These reactions in turn may confirm the officers' suspicions and reinforce their negative conceptions.

### **2.1.8 Summary (Models and Theories of Rule Violations)**

The most satisfactory approach to why certain inmates commit or are reported more frequently for rule violations than others would seem to be an interactionary one. Individual inmate characteristics, institutional factors and environmental variables all interact to produce the behavioural responses of an inmate; combined with this are the interpretations of the inmate's actions by the prison officer and his perception of an inmate

as a member of a stereotyped group. The officer may have preconceived ideas about the inmate which influence his interpretation of an inmate's behaviour as a violation and his decision of whether to report it.

## **2.2 INTERNAL OFFENCES AND THE DISCIPLINARY PROCESS**

A major concern in the field of corrections is the management of institutional order in terms of inmate conformity to prison rules. The principal tool that is available to the prison administrator to enforce order is the institutional disciplinary process. Flanagan (1980) notes that like the larger criminal justice system, the prison disciplinary process contains the basic elements of enforcement, charging, adjudication, and disposition. As with their police counterparts, prison officers exercise a broad degree of personal discretion in selecting cases for formal processing. In addition, disciplinary sanctions, like criminal sanctions generally, serve a variety of ends, ranging from incapacitation of violent offenders to deterrence directed at other members of the community.

It has been claimed that the prison rules provide the framework of control and security in every prison. In United States prisons, most violations of the administrative code are considered serious in nature, not only because of their immediate consequences but also because of their implied or potential consequences for the order and security of the institution (Steinke, 1992).

However, Flanagan (1980) claims that prison rule-books continue to proscribe behaviour in highly subjective categories such as "insolence". It has also been noted, says Flanagan, that the prison justice system is primarily dispositional in nature, "insofar as the officer's characterisation of the offence is predominant in all proceedings and few charges are ever dismissed" (p.358). Regardless of the motives and justifications that the inmate may have had for involvement in rule violations, the involvement is noted and appraised by decision makers.

### **2.2.1 Comparisons of Male and Female Infraction Rates**

Although former studies have reported on different types and rates of rule infractions, few have addressed the variation and frequency of rule infractions committed by male and female inmates. Instead, researchers have been more likely to study male offenders primarily because the data are numerous and often easier to obtain.

From their 1983 nation-wide study of inmates and prison experiences in the United States, Goetting and Howsen concluded that a significantly lower proportion of females (41 percent) violate prison rules compared to their male counterparts (47.74 percent). In

contrast, a study by Lindquist (1980, cited by Tischler & Marquart, 1989) found that female offenders commit significantly more disciplinary infractions than male offenders, but that offences committed by males are significantly more serious. Edwards (1994), in her study of the social control of women in British prisons, also provides figures that indicate women are more often cited for prison offences than men.

Dockley (1994) in his study of British prisons gave the total number of rule violations in prisons in 1992 as 89,254 offences. Men were punished for 2.0 offences per head of the male prison population, which compared with 3.1 per head of the female population. The statistics also show that young people are even more likely to be punished in prison. In 1992 boys were punished for 3.9 offences per head of the prison population while girls were punished for 7.5 per head.

Braybook and O'Neil (1988) found from their census of New Zealand inmates that just over half the male inmates (53.6%) had faced internal charges while serving their current sentence, a considerably lower proportion of the females (37.5%) had been charged. The majority of males who had been charged (64.0%) had faced two or more charges while the females had most commonly faced only a single charge.

### **2.2.2 Types of Offences Committed**

Hewitt et al. (1984) used self-report and official data to examine disciplinary responses in a United States federal correctional institution. Interestingly, they concluded from their study of 238 male and 153 female inmates that the type of infraction is a more important factor in a guard's decision to file a disciplinary report than the gender of the inmate.

In their analysis of disciplinary infraction rates among female and male inmates in Texas prisons Tischler and Marquart (1989) found that their data suggested that females appeared to have presented more frequent disciplinary problems. For both male and female inmates in their study failure to obey an order was the most frequent offence committed over the four years of the study period. No significant difference was detected in the mean number of times that males and females reportedly committed this offence. Female inmates had more reported incidents of creating a disturbance.

In addition, Tischler and Marquart found that female inmates were observed to have frequent infraction reports for failure to obey orders, creating a disturbance, using vulgar language, and being out of place. A study by Faily et al. (1979, 1980, cited by Tischler and Marquart, 1989), which studied aggression and rule violations in a female prison, found that the most frequent rule violations committed by females were disobedience, fighting, defiance, and possession of contraband.

Tischler and Marquart (1989) found that males were more frequently written up for more serious infractions. These include: escape, fighting with a weapon, striking an officer with or without a weapon, threatening to inflict harm on an officer, striking an inmate with a weapon, possession of a weapon, sexual abuse, riot, and inciting to riot. However, it is not possible from their data to draw conclusions that either sex commits more serious offences than the other. They conclude that women appear to be as likely to men to commit serious rule offences while incarcerated. Females were, however, found by Tischler and Marquart to become involved in physical altercations with other inmates more frequently.

Braybook and O'Neil (1988) found that most charges for the total sample of New Zealand inmates were for offences against good order and discipline (this offence classification covered a diverse range of behaviours such as: swearing, arguments with officers and inmates, disruptive behaviour, sexual activities with other inmates) and for violations of penal regulations. Of the male inmates 7.3% had been accused of violence against other inmates, (females 3.3%), 3.4% of violence against staff, (females 2.5%), and 7.1% of causing damage to prison property (females 4.2%). For the definitions of New Zealand offences see Appendix A.

### **2.2.3 Female Inmates and Rule Violations**

Several reports indicate that there are a greater number of infractions in women's institutions than in those for men. One explanation for this disparity may be that women's institutions do not have the same physical security presence as in male facilities, thus, in the absence of guns, towers and stone walls, prison security is based on stricter and more petty rules of behaviour (Mann, 1984, cited by Pollock Byrne, 1990). Generally higher ratios of staff to inmates in women's prisons compared to men's institutions contribute to this phenomenon; and the scarcity of women's institutions means that security levels may be dictated by only a few difficult or high security inmates. Gibson (1976, cited by Hawkins & Alpert, 1989) describes the problem:

While convention requires women's prisons to look like minimum security institutions, economic reality decrees that they cannot be minimum security. A minimum security institution can choose the best risks and send its failures somewhere else; women sentenced to prison must be housed in one institution, all must live by the rules which are established for the control of a very few.

Hence the majority of women experience the rules and restrictions necessary only for the minority.

The differential punishment rate among men and women, and more particularly between boys and girls has been explained by the fact that women are put on report for actions which would be tolerated in men's prisons (Dobash, Dobash & Gutteridge, 1986); and for behaviour that does not match the prescribed gender role.

Fox (1992) quotes a female interviewee with regard to rule infractions:

BH 5: Every little move you make, they are ready to write you up and they are ready to put you in punishment. And if you don't wear a uniform top, they are ready to put you in punishment. Any little error you do at all, they put you in punishment. And that makes me nervous and upset. (p. 234).

Perhaps for the reasons given above Morris (1987) claims that women's prisons in England are described as notoriously difficult to run. They are, she says, characterised by tension, hysteria, and assaults. She supports this statement by giving the violence figure in women's prisons as two and a half times greater than in men's and also reports that the number of offences against prison discipline generally is higher.

Another tradition in women's prisons, says Harris (1993), one which female inmates have continually complained about, is that the prison staff treat female inmates like children. Based on the belief that the female inmate is a dependent individual who is more emotional than her male counterpart (Pollock, 1986, cited by Harris, 1993), prison staff treat them as such, limiting their opportunity to control their own conduct.

That women are treated as children is evident in these examples of minor institutional infractions given by Glick & Neto, 1977 (cited by Hawkins & Alpert, 1989): walking on the grass, rattling doors and yelling, failure to return towels, or having torn sheets. The same study found "foul language" an infraction in eleven of fourteen prisons for women. Pollock-Byrne (1990) also claims that female institutions operate by means of dozens of rules, both serious and trivial, governing behaviour. Carlen (1985 cited by Morris, 1987) notes that high standards of behaviour are required of women in prison, and they are closely regulated. She writes that: "hundreds of petty rules, violation of any of them possibly resulting in loss of pay and privileges, ensured that the women never forgot that they were in prison" (1985, p.134).

Roper (1989) also expressed concern with regard to the way women inmates are treated. His committee believed that women inmates continue to be regarded by many staff and some professionals as "childlike in their response to the institution". Roper believed "attitudes and practices which promote maturity and positive self-esteem are more likely to elicit responsibility for past, present and future actions" (1989, p. 161).



#### **2.2.4 New Zealand Prisons and Internal Offences**

One of the areas the Ministerial Committee of Inquiry into the Prisons' System (1989, also referred to as the Roper Report) looked into was the punishment of offences in New Zealand Prisons. They defined the punishment of offences as "penalties for unacceptable behaviour or non-compliance with the statutory provisions which govern prison discipline". The Committee of Inquiry received many submissions concerning alleged defects in the disciplinary system, such as:

The bringing of trivial charges, inconsistencies in punishment, prolonged cell confinement while awaiting the hearing of charges, lack of opportunity to prepare a defence, denials of the right to call witnesses or cross-examine, cell confinement while awaiting appeal, the transfer of witnesses from the prison prior to the hearing, inconsistent application of the rules and lack of knowledge of the procedure (1989, p. 215).

The Department of Justice (1988) believes that disciplinary procedures are an essential feature of penal administration. They claim that the maintenance of good order cannot realistically be achieved without the enforcement of strict rules about the conduct of inmates. Even so, they do admit that the list of disciplinary offences is drafted in very broad terms and that some of the provisions are "clearly" archaic while others lack certainty and precision (Department of Justice, 1988).

The present disciplinary procedure with regard to offences in New Zealand prisons is based on the Penal Institutions Act 1954. Also Included in the Act is what constitutes an offence. (For the definitions of offences under the Penal Institutions Act 1954 see Appendix A). The Penal Institutions Act was passed forty years ago, and apart from small amendments the legislation relating to inmate offences remains basically unchanged. Although numerous submissions by independent inquiries as well as government reports have recommended changes to the outdated regulations none of the suggestions have been taken up.

#### **2.2.5 Penalties For Rule Infractions**

Steinke (1992) examined the relationship between prison inmates' accounts of infraction behaviours given at disciplinary hearings and penalties assigned for the disruptive behaviours in a medium security prison in North Carolina. Steinke claimed that in United States prisons, most violations of the administrative code are considered serious in nature, not only because of their immediate consequences but also because of their implied or

potential consequences for the order and security of the institution. Any write-up of rule-breaking calls for a formal explanation by the inmate and a penalty assessment by a hearing officer (Steinke, 1992). In New Zealand, at C.W.P. at least, an inmate can commit a rule infraction and not be formally charged with the offence, therefore the committal of an offence and a write-up does not automatically result in a charge, hearing or penalty.

In the United States not only are the behaviours themselves considered when explanations are called for, but also the intentions behind the behaviours (Austin, 1979, cited by Steinke, 1992). Whether an account is given, and regardless of the nature of an account, in a formal hearing the person (e.g., the inmate) then states a plea of guilty or not guilty, or refuses to enter a plea.

According to Steinke (1992), if a person at a formal hearing denies guilt and the hearing officer fully supports this plea, given other evidence, there will be no penalty and the charge will be dismissed. If, however, guilt is denied by the person in question but this plea is not supported by the hearing officer, the penalty assessed may be more severe than if the person had admitted the charges.

Of the number of infraction reports identified at C.W.P., the majority had a penalty assessed in conjunction with them. A small number of infractions that were taken to a formal charge resulted in no penalty. This was usually due to either the violation being of a minor (trivial) nature or there being insufficient evidence.

The types of punishments available for prison management to impose on inmates in New Zealand are, in order of severity, as follows: loss of eligibility for remission, cell confinement, loss of privileges and loss of earnings. Inmates can also be convicted and cautioned or have their case dismissed (for specific details of the penalties and the length of times they can be imposed for see Appendix B).

In New Zealand Braybook and O'Neil (1988) found that loss of privileges and being confined to their cells were the most common form of disciplinary action taken against inmates. Only 8.6% of male inmates and 2.5% of the female inmates were reported to have lost remission (reportedly the most serious punishment).

With regard to the punishment of offences in the United States Pollock-Byrne (1990) claims that fewer female than male inmates receive serious penalties such as loss of good time and segregation. This difference, she says, is related to the lack of serious infractions in women's facilities, such as drug violations or weapons. She claims that women tend to be involved frequently in minor personal altercations, contraband other than drugs and insubordination. For these infractions daylock or some type of privilege deprivation is

common. Pollock-Byrne notes however, that some women may be subjected to such serious punishment as segregation.

### **2.2.6 Summary**

As with most research in the area of rule violations (as will be seen in the next chapter), mixed findings have occurred in the comparisons of male and female infraction rates and punishments. No world-wide pattern emerges, although it seems that from the studies in Britain and the United States that women are more frequently reported for minor offences than men, thus it would seem that the claim that women are punished for more trivial offences than men, in New Zealand as well as overseas, has some substance.

# **CHAPTER 3**

## **FACTORS IN RULE VIOLATIONS (INFRACTIONS) - SOME OVERSEAS RESEARCH**

As with participation in illegitimate activities in society, involvement in rule violations within prisons is not evenly distributed among inmates. Rather, a small segment of the prisoner population is disproportionately represented in official records of disciplinary activity. The following sections of this review will cover factors associated with differential levels of involvement in prison disciplinary infractions. The majority of the research carried out on misconducts has taken place in the United States, a few studies have been from Canada and Britain, unfortunately none have been undertaken in Australia or New Zealand.

### **3.1 AGE AS A FACTOR IN INFRACTIONS**

As with studies of rule-breaking in the general population, the most adequately established correlate of misconduct among prison inmates is age. The research on prison misconduct consistently records that age is one of the strongest predictors of disciplinary offences. Many researchers have found that there is an inverse relationship between age and involvement in rule breaking (Schnur, 1949/1950; Zink, 1958; Coe, 1961; Johnson, 1966; Jensen, 1977; Fuller & Orsagh, 1978; Flanagan, 1980; Goetting, 1984a; Goetting & Howsen, 1986; Mandaraka-Sheppard, 1986; Toch, Adams & Greene, 1987; McShane & Williams, 1990; Wooldredge, 1994). Age at data collection, age at commitment, and age at sentencing have all been shown to be inversely correlated with prisoner misconduct.

Much of the literature discussing the behaviour and characteristics of older inmates either misidentifies or fails to specify that group. McShane and Williams (1989) argue that although youth correlates with higher rates of disciplinary infractions, the age distributions of prison populations, much as those of crime distributions, are highly skewed with young offenders. Disciplinary studies conducted in prison therefore tend to focus on the young. Another problem with previous studies is that they often involve comparisons of inmates that include very few “elderly” inmates and “older” actually means 25 - 35 years of age. As a result, much of the literature discussing the behaviour and characteristics of older inmates actually misidentifies that group (McShane & Williams, 1990).

Examples of studies of male inmates which investigated age and its relation to infractions follow. Toch & Adams with Grant (1989) found that their data supported the observations that age is a consistent correlate of prison violations, with young inmates being much more prone to engage in prison misbehaviour than older inmates. Fuller and Orsagh's (1978) results indicated that inmates twenty-one and younger were more assaultive than older inmates. Those over thirty-three were much less likely to commit assaults and, if assaulted, were much more unlikely to have provoked the assault by attacking their assailant. MacKenzie (1987) found that misconducts, in her study of male inmates, peaked during the teenage years while conflicts with others was at a peak for those in the early twenties. After thirty there was no significant change in the number of misconducts; conflicts with prisoners continued to decline over the ages measured.

### **3.1.1 Female Inmates, Age and Rule Violations**

The same pattern of age and rule breaking that was found in male prisons is observable in some studies of women's prisons. In her study of female inmates in Britain Mandaraka-Sheppard (1986) found that younger women (i.e. women under thirty) were more involved in prison offences than older women.

Jensen (1977) studied age and rule-breaking at a women's prison in the south-eastern United States. He found that older inmates were less prone to rule violations in prison than were younger inmates. He concluded that age is more strongly related to prison rule breaking than other background variables such as race, education, marital status, or urban experience.

### **3.1.2 The Elderly Inmate and Rule Violations**

According to Schlesinger (1987, cited by McShane & Williams, 1989), almost 50% of the prisoners incarcerated in the United States are under twenty-five years of age. The elderly constitute a small minority of the total prison population, for example in the Census of Prison Inmates 1991 (Braybook & Southey, 1992) only 4.4% of the total number of inmates were over fifty. The percent of prison population represented by the elderly varies with the age criterion used.

Goetting (1983) gives the examples of three studies which deal directly with conformity to prison rules of elderly inmates. They are consistent in their indication that older prisoners have fewer rule infractions than do their younger counterparts. Controlling for length of incarceration and current offence, Wiltz (1973, cited by Goetting, 1983) found the average number of major disciplinary reports for aged inmates to be 0.16, while comparable figures for the middle and young categories were 0.32 and 0.75, respectively. Wooden and Parker

(1980, cited by Goetting, 1983) report the elderly men in their study seemed to be somewhat more stable and mature and less prone to becoming involved in fights, drugs, and other activities which usually result in conflicts and trouble. These inmates were co-operative with the prison staff, maintained low profiles, and got along well with other inmates. Goetting's final example is from the Georgia Department of Offender Rehabilitation (1982, cited by Goetting, 1983) which reports that the frequency of disciplinary write-ups decreases consistently as the age of the inmate increases.

Goetting, in her 1984(a) United States nation-wide study of the elderly in prison, found that while a significantly lower proportion of the elderly inmates had been found guilty of breaking prison rules during their current incarceration than had their younger counterparts, the types of disciplinary action taken against the two age categories of rule breakers were not significantly different.

### **3.1.3 Some Possible Explanations**

Chaneles (1987) believes there is a type of bias in favour of the elderly in the criminal justice system in the United States, this bias has a positive result for the elderly. He suggests that the facts of crime in the elderly are obscured by a double standard of law enforcement toward older men and women. Except for the most serious of crimes, such as murder, police and prosecutors are inclined to overlook offences by the elderly especially women. They often do not make arrests, or if they do, the charges are dismissed. This theory of Chaneles implies a recording bias that could transfer to the prison system. The current author suggests that this type of bias would also occur in New Zealand.

A similar explanation by Jensen (1977) proposes that prison experiences are affected by characteristics imported into the system as well as by intra-system circumstances. He suggests that age may be related to rates of official reaction so that infractions by the young are more likely to result in a punitive reaction than infractions by older inmates. This interpretation, he says, is consistent with the view that official records reflect the behaviour of officials as well as offenders.

Physical explanations have also been put forward. Wooden and Parker (1980, cited by McShane & Williams) proposed that older inmates are more co-operative with staff because ageing prisoners realise that they can no longer compete physically with younger inmates.

From his study of prison trouble-makers in Delaware, United States, Zink (1958) concluded that the inmate's age at time of latest sentencing, and the inmate's age at the time of first arrest were factors that had a connection with prison conduct. He suggested that a

logical conclusion appeared to be "a simple reiteration of the well established fact that old men are a little wiser than young men" (p. 434). He proposes that the more mature and settled long term inmates have learned to adjust to prison life, having already passed through the trouble-making stage in which members of the younger, more volatile group find themselves.

Another explanation has been that older inmates know the limits of tolerance in the system. They have often been in prison longer so they know the rules and regulations as well as the officers. These inmates have learnt how far they can go and stay within this boundary.

MacKenzie (1987) suggests that younger individuals are thought to be less aware of the consequences of their actions. According to this perspective the costs of aggression and the likelihood of punishment are learned in the process of ageing (Wilson & Herrnstein, 1985, cited by MacKenzie, 1987). Ageing has been proposed to bring with it a cautiousness, or loss of nerve, resulting in a fear to act aggressively (Ellis, 1984; Wallach, Kogan, & Bem, 1962, cited by MacKenzie, 1987). Another view is that as people mature they accept a new normative orientation that is prosocial. MacKenzie suggests that the young and old may also differ in the problems that lead to aggressive behaviour.

Johnson's first perspective of rule breaking in relation to inmate adjustment is supported by research in the age and rule violation area. It has been hypothesised that one reason for the difference in behaviour for the age groups may be due to the difficulties and stress experienced by the youngest groups. This alternative explanation will be discussed more fully in Chapter 4.

### **3.1.4 Summary**

While data are consistent in this area, explanations vary. Some researchers attribute the disproportionate rule conformity of the elderly inmate to physiological components of the ageing process. Fuller and Orsagh (1979) contend that "Younger inmates are more active and energetic; consequently, they are more likely to assault each other" (p. 9), and as a result are more likely to be cited for misconduct in this area. One of Wooden and Parker's (1980, cited by Goetting, 1983) respondents suggested that "the reason the older men don't get into as much trouble as the younger guys is because they are too old to compete and they know it". In contrast Jensen (1977) contends that it is not physiological components of age which cause rule conformity among elderly inmates, but instead it is social components of age. Jensen hypothesised that age differences in rule violations within the prison context can be attributed to differences in values, norms, and commitments rather than to age itself or non-sociological correlates. Other suggestions for the age difference in

rule infractions involve adjustment to the prison environment, familiarity with the rules and regulations of the institution, and officer discretion in the enforcement of these rules.

### **3.2 RACE AS A FACTOR IN INFRACTIONS**

#### **3.2.1 Research Findings (mainly in the U.S.A)**

Several authors have argued that blacks and other minority groups in America are discriminated against at all levels of the criminal justice system. The research has been far from conclusive in this regard, in fact "Contradiction rather than consensus seems to be the rule" (Ramirez, 1983, p. 413). Mixed results have also been found in the prison system regarding offences and ethnicity. Ramirez believes that the arena within the criminal justice system which is perhaps the most hidden from public scrutiny is the prison, and that as a consequence of this correctional personnel are afforded considerable discretion in how they treat inmates.

Research in the reporting of misconducts shows mixed results. Poole & Regoli, 1980, 1983; and Petersilia & Honig, 1980 (cited by Goetting, 1985), found that blacks in United States prisons were more likely to be officially reported for rule infractions. Differences may also occur in punitive reactions to offences. Several studies report no significant difference in the rate of disciplinary write-ups received by black and white inmates (Boyd, 1976; Ellis et al, 1974; Jaman, 1972; Johnson, 1966; Petersilia & Honig, 1980; White, 1980; Wolfgang, 1961, cited by Goetting, 1985); others report higher rates for blacks than for whites (Coe, 1961; Myers & Levy, 1978; Flanagan, 1983; Goetting & Howsen, 1983; Ramirez, 1983); and one (Petersilia & Honig, 1980, cited by Goetting, 1985) reports a higher rate for whites than blacks.

An example of how contradictory the findings have been in this area is the study by Petersilia and Honig (1980, cited by Flanagan, 1983) which examined the relationship between race and involvement in infractions in three states and reported different findings for each state. They reported that whites had significantly more infractions than blacks in Californian prisons, but black inmates in Texas had a significantly higher infarction rate than whites. In Michigan, race was not found to be significantly associated with the infraction rate.

In research in the United States which looked specifically at violent acts that became recorded as official misconduct (Poole & Regoli, 1980; Flanagan, 1983; Ramirez, 1983), black inmates were found to have been charged more frequently with assaultive behaviour than whites. Poole and Regoli's (1980) study of self reported involvement in violence led them to conclude that prison officials discriminate against blacks in the application of



sanctions. Studies by Ellis, Grasmick, and Gilman (1974), Petersilia (1983, cited by Wright, 1989), and Goetting and Howsen (1983) report no difference in the frequency of violence among blacks and whites.

Lewis, Shanok, Cohen, et al. (1980) also detected differential treatment in the diagnosis of violent adolescents. In the lower socio-economic sectors of the Connecticut state area studied, violent and disturbed black adolescents were incarcerated; violent and disturbed white adolescents were hospitalised.

Ramirez (1983), in his study of a medium security prison in the mid-western United States, found that black inmates tended to be progressively over represented within the multiple misconduct category, whereas white inmates were progressively under represented. The most disproportionate distribution of the races in his study was seen in the category of inmates who received six or more misconduct reports (blacks = 28, 62.2%, whites = 17, 37.8%). Ramirez concludes that it did not appear that there were significantly more blacks than whites who received misconduct reports; rather, there were disproportionately more blacks than whites who were repeatedly written up for rule violations, and this contributed to the significantly disproportionate number of misconducts written on blacks.

### **3.2.2 Discretionary Decision-Making by Officers**

From the review of the literature it can be seen that a number of studies have found that black inmates were written up for more disciplinary infractions than white inmates; some studies have found no correlation with race and misconducts; and only a few found that whites were reported for more rule violations than blacks (the current researcher could find reference to only one such case). Therefore, explanations concentrate on the possible reasons for the occurrence of greater misconducts for black inmates when compared to whites as this appears to be the most commonly found discriminatory result.

Goetting (1985) believes that prisoner misconduct represents a potential source of racial discrimination in the prison setting due to the officers' discretion in rule enforcement and reporting and as a result of their stereotypic perceptions of inmates. Two studies conducted by Poole and Regoli (1980, 1983, cited by Goetting & Howsen, 1986) shed light on the issue of racial discrimination in the reporting of disciplinary infractions. Using data from a medium security state prison (1980) and from a minimum security co-ed federal prison (1983), they found that while black and white inmates reported equal frequencies in rule breaking activity, blacks were likely to be reported officially for rule infractions. Data on race clearly suggest the possibility of racial discrimination in the reporting of prison misconduct (Goetting & Howsen, 1986). Poole and Regoli (1980) elaborate:

Black inmates are more likely to be scrutinised and, therefore, observed committing more rule infractions, which reinforces prior stereotypic expectations. Moreover, if blacks perceive they are differentially treated (e.g., subject to stricter rule enforcement), they may in turn react more defiantly or with greater hostility than whites (p. 933).

Perhaps, as suggested by Poole and Regoli (1980), blacks and whites misbehave in equal proportions, but biases based on race result in an artificially inflated rate of officially reported misconduct on the part of black inmates.

In Ramirez's 1983 study of race and the apprehension of rule violations the misconduct category which exhibited the greatest over-representation of blacks and under-representation of whites was hostility toward staff. Ramirez suggests that this violation category is demeanour dependent. He claims that it reflects any given staff member's perception (interpretation) that an inmate is behaving in a hostile/disrespectful manner towards him or her. Disrespect, says Ramirez, is one of those qualities of interpersonal behaviour that is very much in the eye of the beholder. Ramirez (1983) warns that since the data reflect apprehension rather than commission, one cannot discount the staff-generated factors which help to determine apprehension rates.

Ramirez notes that the reporting of a rule violation involving disrespect reflects the subjective appraisal of an inmate's interpersonal conduct directed toward the apprehending staff member. This encompasses a considerable amount of definitional discretion on the part of the apprehending staff member. Ramirez concludes that his findings suggest that when the situation is ripe for bias in staff decision making (i.e., low visibility and high definitional discretion), black inmates fare considerably worse than white inmates. The implication that racial bias may have affected the apprehension of inmate misconduct, says Ramirez (1983), seems evident here.

Goetting (1985) believes that racism may also characterise sanctioning responses to misconduct. She claims that numerous descriptive accounts emphasise discrimination against blacks in punitive response to misconduct. Goetting, for example, points to quotations in Wright (1973, p. 109-110) from black and white inmates of San Quentin:

Two months ago a white guy working in the blue room (where prison clothing is handed out) was found with a balloon of stuff (a balloon filled with heroin). He was just suspended for two days and then was back on the job without any punishment. A brother was found with a kit without any stuff. He was fired from his job and sent to the hole. Things always come down heavier on the brothers. . .  
(Account of a black prisoner.)

The black prisoners are definitely hit harder than the white prisoners for the same offense. A guard will give a white prisoner a warning for something but will send a black prisoner to the hole for the same offense. It happens all the time. (Account of a white prisoner.)

Although there are a number of explanations given for the higher incidence of misconducts in particular ethnic groups (especially minority groups), the literature seems to indicate that in some cases white inmates were found by some researchers to have committed more infractions than black inmates. The explanation of stereotyping that has been given above can also be applied here. An inmate can be seen to belong to a group, that, due to past incidents, has a bad reputation for trouble-making. This inmate is therefore labelled as part of this group, and as a result the stereotype given to them could influence an officer when making a decision regarding the nature of an offence, and whether they will write it up as a misconduct.

Ramirez (1983) gives an example of how stereotyping can work against the white inmate. In his study of a United States medium security federal institution white inmates were more likely to have been imprisoned for drug violations than were blacks. During his nine month study period, they were more likely to receive conduct reports for drug related infractions than were blacks. This could be seen as an indication that the officers knew the white inmates were often in on drug related charges, and as a result this influenced their decision making regarding drug offences. Even an individual inmate can be given a label that will in turn influence an officer's decisions regarding rule violations.

### **3.2.3 Summary**

Although the conclusions reached by researchers in the race and infractions area have varied, the research found and reviewed by this author suggests that a black inmate is more likely to commit or be reported for offences than a white inmate. Having said this it should be noted that the findings with regard to black inmates do not necessarily transfer to Maori inmates or other minority ethnic groups. The explanations for the differential report rates of black and white inmates have come from the stereotyping and labelling frameworks.

## **3.3 RECIDIVIST/FIRST OFFENDER STATUS AS A FACTOR IN INFRACTIONS**

The findings in this area of rule violations have also been mixed, with some studies supporting the view that inmates with past prison experience will commit a greater number of infractions than first offenders, while others have found that inmates with no prior prison experience will be reported for a greater number of misconducts than their more experienced counterparts.

Wooldredge (1994), in his study of inmate crime and victimisation in a medium security facility located in the south-western United States, found that individuals with histories of prior incarceration posed fewer disciplinary problems compared to inmates with no prior incarceration experience. An explanation for this finding could be, suggests Wooldredge (1994), because inmates who have been incarcerated previously may adjust faster to the institutional lifestyle, so their levels of frustration may be lower compared to inmates imprisoned for the first time (Wolfgang, 1961, cited by Wooldredge, 1994). For the first offender the prison and its systems and regulations are likely to be a totally new experience. Often the new inmate will not know what constitutes an offence and what does not, as a consequence they are more likely to commit a violation.

The experience of older, previously incarcerated inmates is noted by McCleery (1961, cited by Goetting, 1985):

The absence of official orientation or published regulations, the secrecy and arbitrariness of discipline, the shocking unfamiliarity of prison life and the demands imposed by regimentation combined to make the new inmate helplessly dependent on experienced men. Old inmates know the limits of official tolerance in a system which, of necessity, prohibited more than it punished, . . . (p. 165).

Interestingly, Johnson (1966), in his study of the Southern United States prison system, found that the rebellion rates of first offenders diverge consistently from the rates of recidivists as the age of the inmate increases. Rebellion rates decline consistently with the increased age for both recidivists and first offenders, but recidivists have the higher rates for all age groups.

However, Johnson (1966) believes that the general pattern of infractions indicates recidivists avoid (or successfully evade detection of) infractions most likely to stimulate stern official reaction. They show a greater tendency than first offenders to incur penalties for evading regulations, for difficulties with other inmates and for ambivalent challenges of control. The recidivists' higher rates for evasion of regulations, in Johnson's study, stemmed from gambling, contraband not related to breaches of security, and possession of excess funds. These infractions involved efforts to increase personal comfort, but successful perpetration frequently required gaining the co-operation of other inmates. The higher rates of recidivists for inmate-related infractions came from fighting, an infraction, as Johnson says, obvious for detection, not likely to gain the co-operation of peers in evading official reaction and a form of misconduct unlikely to be tolerated by officials.

Goetting and Howsen's (1986) findings from their research of inmate offences (in which they used a United States nation-wide sample) indicated that prisoner misconduct increases

with the number of previous times an inmate has been incarcerated as an adult and/or juvenile. This agrees with the findings of Schnur (1949-1950), Myers and Levy (1978), and Johnson (1966) but runs counter to those of Zink (1958), Coe (1961), Ellis et al. (1974) and Wooldredge (1994).

A possible explanation for the higher infraction rates by recidivists found by the researchers above could be that the inmates have been labelled as trouble-makers previously and this stereotype has been carried with them throughout their prison career; another suggestion for the occurrence could be that inmates with past prison experience are not as afraid or unsure of the system as first offenders and so act accordingly, the officers may in turn react to this greater confidence by interpreting their behaviour as defiant or insolent and as a result report them more frequently.

### **3.3.1 Summary**

It is generally found that studies in this area are not conclusive and it has been suggested that prior prison experience or lack of it is not related to the infraction rates of inmates. The literature reviewed above indicates that first offenders may be more likely to commit offences because of their inexperience and unfamiliarity with the prison rules; it has also been suggested that recidivists can often successfully evade detection of violations as they know the limits of tolerance in the system and of the officers. In contrast, explanations for the recidivists' higher rates of misconducts have come from the labelling theory and from their behaviour as a result of their previous experience of the system. Overall it can be said that the findings have been contradictory in this area.

## **3.4 TYPE OF OFFENCE FOR WHICH IMPRISONED AS A FACTOR IN INFRACTIONS**

As with the other factors, excluding age, there are mixed results regarding offence and committal of offences. Schnur (1949-1950) claims that the type of crime for which a person is sent to prison is associated with conduct in prison. He also states that the more serious a person's criminal activity before coming to prison the more often he is cited for misconduct. Wooldredge (1994) believes that individuals incarcerated for violent crimes or who have histories of violent behaviour are more likely to engage in misconducts involving assaults on other inmates (Flanagan, 1983; Wolfgang, 1961). Mandaraka-Sheppard (1986) found however that neither current violent offence nor previous violence in the criminal record distinguished the offenders from the non-offenders in the context of infraction rates of female inmates in Britain.

It has been suggested that certain crimes for which persons are imprisoned could lead to stereotyping, labelling and inconsistency in application of rules and punishment by officers. An example of such a crime is sex offences: sex offenders are not looked upon kindly by officers or inmates. In addition Ramirez (1983) suggested that inmates who have been reported for drug offences or violent offences may in turn be more likely to be reported for infractions related to those crimes.

Goetting and Howsen (1986) claim that with regard to current offence type, with two exceptions (Coe, 1961; Jaman et al, 1966), research shows that violent or “serious” offenders display significantly higher misconduct rates (Schnur, 1949-1950; Heinz et al., 1976; Flanagan, 1983b, cited by Goetting & Howsen, 1986).

### **3.4.1 Summary**

The majority of the studies in the disciplinary infractions area have not found the offence for which an inmate is imprisoned to be significantly related to rates of rule violations, although some of the studies in this area have found a tendency for violent offenders to commit or be reported for higher rates of misconducts than other offence type groups.

## **3.5 LENGTH OF SENTENCE AS A FACTOR IN INFRACTIONS**

In America there has been an increase in the numbers of prisoners of all ages, this is less a result of more arrests and more convictions than it is of longer sentences and vastly increased use of mandatory minimum sentences. In New Zealand there has also been a general increase in the inmate population as well as a call by the public for harsher and thus longer sentences.

Support has been found in previous studies for relationships between the likelihood of deviance and the length of an inmate's sentence and the proportion of time served at the time of study. An early study by Zink (1958) reported that the infraction rates of life-term inmates were lower than those of prisoners serving shorter sentences. Flanagan (1980) also found in his study of time served and institutional misconduct that shorter sentences are related to a greater likelihood of deviance, as did Akman (1966, cited by Wooldredge, 1994).

Flanagan's (1980) study of short-term and long-term inmates in the north-eastern United States is often referred to when reviewing length of sentence and infractions. He found in his research that the infraction rates of long-term inmates are significantly lower than the rates for short-term prisoners, even in the early years of confinement. The temporal pattern of infraction behaviour for short-term inmates provides support for Wheeler's model of an

inverted U-shaped curve of prison adjustment, where the pattern for long-term inmates does not fit Wheeler's model <sup>2</sup> . The data suggest that long-term inmates adapt to their situation in ways that are distinguishable from short-term prisoners.

Flanagan (1980) compared misconduct rates of 701 short-term prisoners (less than five years) and 765 long-term inmates. Even after controlling for age, the misconduct rate among the long-term inmates was approximately half that of the short-term offenders.

Flanagan (1980) examined whether disciplinary infractions are randomly distributed over the course of a prison term, or whether misconduct clusters at key time points within the sentence. He found that although short-term inmates commit a greater proportion of their infractions during the middle stages of their sentence, long-term inmates are as likely to commit their infractions in any portion of the prison term. Flanagan explains this stable pattern for long-term inmates as possibly indicative of a differential adjustment process among these prisoners.

Flanagan (1980) found that while the rate of officially recorded prison misconduct is higher among inmates serving short terms (i.e., less than five years), the types of infractions committed by long-term and short-term prisoners tend to be similar. However, his data suggested that the infractions committed by long-term inmates may be somewhat more serious in nature.

In contrast to Flanagan, Akman and Zink's findings, Wolfgang (1961) found no relationship between length of sentence and scores on a multi-dimensional prison adjustment index (disciplinary offences was one of the variables on the adjustment index). Brown and Spevacek (1971, cited by Flanagan, 1980) also found no difference between high and low infractors in terms of length of incarceration.

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<sup>2</sup> Wheeler (1961, cited by Flanagan, 1980) defined the concept of prisonisation by using an index of anti-staff values, based on the assumption that higher degrees of prisonisation (and thus greater adherence to the value system contained in the inmate code) are associated with stronger anti-staff values. His research produced the U-shaped curve of anti-staff values, suggesting that the "middle stages" of the sentence - the period during which the inmate is farthest removed from extra prison influences and most susceptible to the influence of fellow inmates - is characterised by the lowest degree of conformity to staff values. Wheeler's findings suggest that the inmate undergoes a process of pre-release socialisation in the "late stages" of the prison term (Flanagan, 1980, p. 363).

### 3.5.1 Some Possible Explanations

Interestingly, Flanagan comments on views expressed by long-term inmates, i.e., that short-term prisoners have little to lose as a result of misconduct and thus treat any exchange between inmate and officer as a confrontation. Instead of pitting themselves against officers, long-term inmates have learned to circumvent potentially "sensitive" situations. Through experience long-termers have learned the limits of tolerance of each officer with whom they might have to deal. He suggests that the long-term inmate rapidly "wises up" to the exigencies of the situation and thus is better able to avoid the official reaction that produces an extensive record of disciplinary infractions. Flanagan also suggests that the lower disciplinary infraction rate among long-term prisoners is due to their differential reaction to incarceration.

Zamble (1992), in his study of Canadian prisons, also found that long-term inmates were not as likely to be reported for rule violations as were short-term inmates. He claimed that misbehaviour results in tangible reductions in the quality of life for long-term prisoners. He suggested that inmates who were long-term avoided behaviours that would interfere with their prospects for release. They saw a long period in which a bureaucracy has time to take into account their (mis) behaviour. Zamble proposed that the most powerful contingency of all was undoubtedly the granting of release.

### 3.5.2 Summary

The general trend in the research of length of sentence and its influence on rule-breaking behaviour seems to be that those inmates who serve shorter sentences are more likely to commit or be reported for offences than long-term inmates. However, the findings are mixed in this area as well. It should be noted that the majority of the inmates in American and New Zealand prisons are serving sentences of less than five years.

## 3.6 FREQUENT TROUBLE-MAKERS

As noted at the beginning of this chapter Ramirez (1983) found that even within the confines of a prison there exists a small group of habitual trouble-makers who, in his study, accounted for a disproportionately large amount of misconduct. Ramirez's finding is supported by Myers and Levy's 1978 study of the intractable inmate based from on a southern Ohio correctional facility. They described intractable inmates as those inmates who present a chronic disciplinary problem while in the institution. Thus, they are not necessarily the same individuals who are identified as violent offenders or chronic recidivists, since these persons may present no institutional disciplinary problems.



Flanagan (1983) also found that a small segment of the inmate population was disproportionately represented in official records of disciplinary activity. He examined the factors associated with differential levels of involvement in prison disciplinary infractions. Flanagan found that the inmate's age at commitment, history of drug use, current offence, and the type of sentence that the inmate served were significantly related to high-rate infraction status (1983, p.29). He does not consider however that these variables are sufficiently predictive of institutional misconduct to justify their use as classification factors.

### **3.7 EMOTIONAL DISORDER**

This variable was not investigated in the present research in the context of the commitment of infractions, even so it is felt that mention should be made of it. Toch and Adams (1986) found that there was a positive relationship between degree of pathology (mental illness) and involvement in disruptive behaviour. Their research showed that inmates who need mental health care have higher rates of disciplinary violations than do other inmates. They also found that high infraction rates were disproportionately concentrated among black inmates who received mental health services. The mental health status of individuals would seem to influence their committal of offences. From the collection of the data in the present study it was also noted in passing that inmates who had a high rate of incident reports in particular, often seemed to have a history of mental health.

### **3.8 CONCLUSION**

The general trend in the study of inmate variables and infraction rates seems to be one of disagreement. In every case mentioned, with the exception of age, the literature showed mixed results. Often, although there was a lot of support for one argument (as with race), research would be found to contradict previous findings. The search for conclusive evidence was not aided by the scarcity of literature in most areas. As with anything involving people, individual differences (imported factors) play a part in whether an inmate will or will not commit a rule violation. As well as individual differences, institutional variables (deprivation factors) play a part in the committal of offences as does decision making by prison officers (influenced by prior stereotypic concepts and labels).

## CHAPTER 4

# PRISON AS AN ENVIRONMENT AND ADJUSTMENT OF INMATES TO IT

In accordance with Johnson's belief that one way of interpreting rule violations is by seeing them as a demonstration of the inmate's failure to adjust to the prison community this chapter studies the literature on inmate adjustment to the prison environment. It will briefly cover various aspects of prison life as well as reviewing different characteristics of inmates which may play a part in their reaction to the environment.

An inmate's adjustment to the prison environment involves personal, institutional and environmental factors; none of these factors can be studied on its own. The interaction between these variables should be taken into account when considering or discussing any behavioural responses of inmates, such as rule violations. As Zamble and Porporino (1988) claim, behaviour cannot be determined solely by environmental conditions or solely from internal or personal characteristics; the interaction between individuals and situations will be the most powerful predictor of behaviour.

### 4.1 MISCONDUCTS AS A REFLECTION OF MALADJUSTMENT

The prisoner's conduct record within the institution has traditionally been viewed as an indicator of adjustment or maladjustment to the prison situation (Wolf, Freinek, & Schaffer, 1966, cited by Flanagan, 1983) Often adjustment patterns are viewed and measured by researchers and prison administration according to the frequency of officially recorded prison misconducts. Disciplinary charges are probably the simplest way of measuring adjustment to prison. Other factors will also be seen to play a part in inmates' disciplinary records and in their adjustment to prison.

McShane & Williams (1989) selected a number of variables as measures of prison adjustment in their study of young Texan offenders. Included in the factors used to assess the ability of inmates to cope with and adapt to prison was disciplinary history. The other data assessed were: custody classification, work assignments, good-time earning classification, and the amount and type of outside contact allowed an inmate through visitation. They support the view that one measure of poor adjustment to prison is high rates of disciplinary infractions. Adams (1985, cited by MacKenzie, 1987) also concluded that disruptive behaviour is a manifestation of an inability to cope.

## 4.2 PRISON LIFE

For a comprehensive review of the literature on prison life and its effects on inmates see Bonta and Gendreau (1990). Areas they cover in their review include: crowding, health risks, long-term incarceration, solitary confinement, short-term detention, and Death Row. Their conclusions will be discussed in this chapter.

### 4.2.1 Type of Prison Environment

Even under the best of conditions a prison is a highly stressful environment; but because there are great variations in prison environments inmates' ability to cope with the pressures of prison can be affected accordingly. The most obvious variation is in the custody/classification level of prisons, but they can also differ in their environment structure. One prison will have armed towers, large cell blocks, high fences and barbed wire; another will have less obvious surveillance, small cell units, and fences through which an inmate can see the outside. Some institutions strictly enforce even the most trivial rule; while others may give the inmates some leeway and only enforce those rules which are a threat to the safety of the prison. Some prisons have strict and compulsory regulations about day-to-day activities; others are more relaxed and allow the inmates some choice.

Researchers differ on whether stricter or looser prisons produce more disciplinary problems. Some researchers claim that the more controls that are used the more trouble arises (Mandaraka-Sheppard, 1986). Wright (1993) also believes that prisons with less structure and more opportunities for self-efficacy experience fewer behavioural problems. In contrast, Milham, Bullock and Hosie (1987, cited by Bottoms, 1992) claim that the more relaxed the regime, the greater the incidence of aggressive behaviour of all sorts.

In his studies of lifestyle criminals in a United States maximum security federal penitentiary and a minimum security federal camp, Walters (1991) concluded that the highly structured penitentiary environment is more effective than the more loosely structured camp environment in suppressing disciplinary problems in lifestyle criminals because of the support, direction, and external control it supplies. However, as Toch (1977, cited by Porporino, 1986) says, different types of inmates may be more seriously affected by different types of environments and he claims that personal reactions to environmental features motivate behaviour, including involvement in incidents (and in particular violent incidents).

Obviously individual differences do play a part here. Some individuals react more positively when few directions or restrictions are placed on them, whereas others respond better when clearly defined rules and regulations are in place. Therefore certain types of

control in a prison may be suited to some individuals and not others. Walters (1991) also claims that certain types of individuals respond best under highly structured circumstances, while others do better in more loosely structured situations.

#### **4.2.2 Women's Prisons as Environments**

On the surface, Morris (1987) claims, most women's prisons are more attractive than men's. It is recognised that for women security considerations do not loom so large because there is less public anxiety and fear when women escape from custody. However, Morris argues that facades are deceptive: in many ways female inmates are worse off than their male counterparts; and Pollock-Byrne (1990) agrees that although female institutions might look pleasant from the outside, inside the incarcerated women feel that the staff attempt to control every aspect of their lives.

Mandaraka-Sheppard (1986) tested various explanations for inmate misconduct. She collected data within six women's prisons in England (three open and three closed) and produced convincing evidence that it is the organisation of the prisons themselves which is the key factor in understanding women's misbehaviour. Although she noted that individual factors were relevant, she believed institutional variables were more important and attributed two-thirds of the physical violence to institutional characteristics. These characteristics included methods of punishment within the prisons, a lack of autonomy as perceived by prisoners, few incentives for good behaviour, the quality of inmate/staff relations and the staff's age and experience. She concludes that "to a very large extent serious misbehaviour of women in prison is directly a function of their response to the particular negative aspects of institutions" (1986, p.189).

#### **4.2.3 Summary**

It would seem reasonable to suggest, as these studies do, that the climate and the type of environmental structure of a prison would have an effect on inmate behaviour. Unfortunately, the application of climate to the study of prisons has been plagued by conceptual and operational problems. Most importantly researchers have failed to link prison climate to behavioural outcomes (Wright, 1993).

Many factors, of which the prison surroundings is but one, determine how inmates adjust to incarceration. Background and personality, organisational structure, crowding, support from family and other outside groups, and the presence of peers and enemies, all contribute to how people adapt to being in prison. The fact that the prison environment and structure plays a role at all in determining adjustment is important (Wright, 1993).

### 4.3 INMATE CHARACTERISTICS

Bonta and Gendreau (1990) comment on the widely held assumption that prison is destructive to the psychological and emotional well-being of those it detains. They investigated this claim and concluded that the evidence points to the importance of individual differences in adapting to incarceration.

#### 4.3.1 Young Inmates and their Adjustment to Prison

Research examining violence in prison almost always indicates a strong inverse relationship between age and such behaviour (as reviewed earlier). Younger inmates are found to be involved in more disciplinary infractions, inmate-inmate assaults, inmate-staff assaults, and they report more conflicts with others. If, as Johnson (1966) and other researchers claim, infractions are an indication of adjustment, then it would seem from the evidence that young inmates are generally poorly adjusted.

An example of a study on adjustment, age and rule breaking is the 1989 study by McShane and Williams. They investigated the prison adjustment of juvenile offenders in a Texas (United States) institution. They commented that although young adult offenders have traditionally been characterised as making poor adjustment to institutional life, they believed that the juvenile offender incarcerated in an adult facility represents a potentially greater problem. McShane & Williams (1989) hypothesised that the very young offenders represent a subgroup with even higher rates of misconduct and lower scores on indicators of adjustment than their slightly older counterparts. McShane & Williams examined adjustment after separating the young violent offenders into two groups: those who committed their crimes prior to age 17 (juvenile inmates) and those who committed crimes between 17 and 21.

McShane and Williams broke down the inmate's disciplinary history into those disciplinary actions taking place in the first year of arrival at the institution and those taking place in the second year. Disciplinary actions were also analysed separately according to whether or not they were major cases (resulting in more severe sanctions such as solitary confinement, loss of good-time days or good-time earning status) or minor cases (resulting in such punishments as loss of privileges or extra duty). The average number of major disciplinary actions for the adults remained essentially the same in the second year, while the figure for juveniles increased from 4.7 to 5.9 major disciplinary infractions. This suggested that, while the adults were adjusting to their surroundings, the juveniles were losing good-time credit and line status and were being placed under greater restriction.

McShane & Williams (1989) concluded that the normally strong relationship between youth and prison disciplinary problems was even stronger for those inmates who were incarcerated for violent offences committed prior to the age of 17. They claim that their data demonstrated that, compared to other young inmates, imprisoned juvenile offenders exhibited significant adjustment problems in the institutional environment. Further, these adjustment problems could not be explained by the inmates' personal characteristics. From their data they propose that juvenile offenders were approximately twice as likely to be problem inmates than the group of young adult inmates most often associated with disciplinary incidents.

Toch (1969, cited by MacKenzie, 1987) claims that one group may find an environment or situation more hostile, bothersome, or stressful than the other. For example, younger inmates might find the prison environment more alienating and thus have difficulty coping with the situation. As a result of this extreme stress the young inmate experiences rage and anger. Aggression in this case would be a manifestation of an impaired coping ability (Toch, 1969, cited by MacKenzie, 1987).

An alternative explanation by MacKenzie (1987) suggests that possibly it is not that the younger inmates are more stressed or do not have the ability to cope when stressed; rather, the younger inmate responds without the inhibitions of the older inmates.

#### **4.3.2 The Elderly Inmate and Adjustment**

The literature on the nature of prisons argues strongly that these institutions have the potential to affect the people living within them in a highly negative manner (Vega & Silverman, 1988). Research on older inmates within these facilities, say Vega and Silverman, has provided a conflicting picture of this impact.

Geriatric prisoner research undertaken by Reed (1978, cited by Goetting, 1983) found that his aged prisoners (mean age of 60 years), with an average sentence served of 23 years, reported fewer life problems than their peers in the outside community. Furthermore they reported active interests and feeling younger than their age.

Mabli, et al. (1979) and Flanagan (1983) found that older inmates are better adjusted and less of a problem for correctional administrators (as measured by rates of misconducts) than younger inmates.

Other researchers have reported findings which suggest that in prison the older inmate is dependent, frightened and depressed (Gillepsie & Galliher, 1972; Bergman & Amir, 1973; Rodstein, 1975; Krajick, 1979, cited by Vito & Wilson, 1985). Additionally, Bergman and

Amir (1973, cited by Vito & Wilson, 1985) claim that older inmates are often mocked and given little status recognition by other inmates. In contrast, Goetting (1985) states that it is generally believed that in terms of peer relationships, the incarcerated elderly are accorded prestige and deference.

Vega and Silverman (1988) in their study of stress and the elderly inmate tested and interviewed older prisoners in two Florida (United States) institutions to determine the degree to which they perceived the prison environment as stressful compared to younger inmates. Vega and Silverman found that elderly inmates tended to behave like model prisoners and gave the impression of a non stressful life. They claim that this impression was reinforced by their avoidance and denial behaviours. The elderly inmates stated that as a whole they had good relationships with the correctional officers and other prison staff. Although many claimed to have friends in the inmate population, the majority revealed mistrust and reservations concerning these relationships. Vega and Silverman said that the inmates' reaction to the prison environment could best be described as one of ambivalence. They concluded that overtly the older inmates showed an apparently good adjustment to the prison environment which makes them appear to be "ideal, non-problem causing residents" (1988, p. 160).

However, Vito and Wilson (1985), in their study of the elderly offender in United States prisons, argued that many older inmates appeared to have psychological and emotional characteristics which suggested to them that they had institutional adjustment problems that were not being met.

Another hypothesis concerning the adjustment of older offenders involves the notion of institutionalisation. According to Aday (1976, cited by McShane & Williams), as the length of imprisonment increases, contacts with family and outside friends diminish and the inmate becomes more dependant on the institution. Institutional dependency is seen as a risk for the elderly, especially those who were first incarcerated at an early age, those unmarried, and chronic offenders when compared with late offenders (Goetting, 1983).

In the prison setting, the problem for the elderly is not so much one of differential treatment as one of negligence (Goetting, 1985). Prisons were not planned with the elderly in mind, and, most prison programmes were designed for younger offenders and often exclude the elderly. Swift (1988) also emphasises that British prisons have not previously been built with the elderly or disabled in mind. She claims that prisons cater for younger people, the type of videos, music, and recreational facilities provided are designed to appeal to that age group. Programmes and education classes are usually aimed at younger inmates.

There are conflicting reports regarding the general environment which the prison structure provides for the elderly inmate. From one perspective, the older inmate leads a life of fear and suffering as the prey of the younger and more aggressive inmates; from another, the older inmates are accorded respect by the younger inmates; and from another, prison serves as a haven to the elderly inmate, a refuge from the harsh elements of life in the free world (Goetting, 1983).

#### **4.3.3 Race and Prison Adjustment**

The relationship between race and individual patterns of adjustment has only recently been identified. Wright (1989) believes that this relationship of race to distress is ambiguous.

An interesting theme found in the literature suggests that blacks, because of their experience in the modern urban ghetto, are more resilient to the pains of incarceration. Ghetto life supposedly socialises the individual to engage in self-protection against the hostile social environment of the slum and the cold and unpredictable prison setting (Wright, 1989). A review of the empirical research about race and adjustment reveals that support for this idea is mixed. Wright's (1989) analyses of inmates in New York state facilities failed to confirm the idea that blacks and whites arrive in prison differentially prepared to deal with the pains of incarceration and he found that they actually experience incarceration similarly.

Wright (1989) cautions that "sweeping generalization about racial groups allow us to overlook within-group differences and to reach inappropriate conclusions" (p. 88).

#### **4.3.4 Adjustment and Past Prison Experience**

A factor said to be related to adjustment is the inmate's prior experience with incarceration. Goodstein and MacKenzie (1984b, cited by Wright, 1989) suggest that, "It stands to reason that an environment which is unknown to an individual is likely to engender higher levels of stress" (p.5). The new inmate must cope with the rigors of incarceration and learn how to adapt but must also deal "with his fears of victimization by other inmates and the brutality of the guards" (Wright, 1989, p. 69).

Wright (1989) claims that inmates who have been previously incarcerated should cope with the pressures of confinement better than inmates who are experiencing imprisonment for the first time.



## 4.4 INSTITUTIONAL CHARACTERISTICS

In addition to inmate characteristics, which are said to be imported into the prison, are institutional factors which interact to influence an inmate's adjustment to the prison environment as well as his committal of offences.

### 4.4.1 Stress and the Prison Environment Over Time

Inmate reactions to prison life appear to follow a curvilinear pattern, with stress indicators increasing at the beginning of the prison term, then dropping, then rising again as the end of their term approaches (Bukstel & Kilmann, 1980, cited by Bartol, 1991).

Certain features of the prison environment are not likely to change substantially during the period of confinement. Some of these listed by Paulus and Dzindolet (1993) are: loss of freedom, limited facilities and programmes, potential for violence, conflict among residents or with prison staff, lack of privacy, having to deal with and socialise with other inmates in the prison and one's wing.

However, some aspects of the prison experience are likely to undergo a change during the time of confinement. There is increased familiarity with prison procedures, staff, prison inmates, and informal prison norms. In other words, say Paulus & Dzindolet, when residents first enter a new prison or housing unit, the high level of uncertainty and novelty of the environment may be rather stressful. As the inmate becomes more familiar with the environment and learns the "rules of the game", there is an increased sense of control and an associated reduction in level of stress (Rubuck, Carr, & Hooper, 1986, cited by Paulus & Dzindolet, 1993). The increase in stress that is observed just prior to release (Bukstel & Kilmann, 1980) can also be interpreted from this perspective. At this time the inmates are again confronted with radical life changes such as the prospect of re-entering the outside community and reacquainting themselves with family and friends as well as the pressure of trying to find a job and avoiding the criminal elements of their previous life.

### 4.4.2 Adjustment to Long-Term Incarceration

If imprisonment is found to have detrimental effects on those inmates who are incarcerated, then a natural assumption would be that long-term incarceration would have an even greater negative effect on prisoners. However, Bonta and Gendreau (1990) conclude that from the available evidence there is little to support the conclusion that long-term imprisonment necessarily has detrimental effects. The writer suggests that once again individual differences are relevant here. It also seems important to note that often outside factors are not examined, for example, the effect imprisonment has on outside relationships

involving family and friends (especially pertinent to the long-term incarcerated), as well as the damage to social skills that are necessary once the offender re-enters the outside world.

Again, an interesting observation by MacKenzie and Goodstein (1985), from their study of long-term incarceration in three large maximum security prisons in Illinois, Connecticut and Minnesota, was that long-term inmates (more than six years served) found the earlier portion of their sentences more stressful, but with time the prisoners learned to cope effectively. They differentiated between two groups of long-term offenders, inmates with minimal prison experience (lifers) and inmates with extensive prison experience (habituals). Both groups showed the same adjustment patterns, contrary to the expectation that habituals would evidence disruptive behaviours. Similar findings with respect to female offenders have also been reported by MacKenzie, Robinson and Campbell (1989). In fact, Bonta and Gendreau (1990) found through their review of the literature that the long-term inmates' major concern seemed to be boredom and lack of activities rather than anxiety or stress. (Bonta & Gendreau, 1990).

Zamble (1992), from his study of Canadian long-term inmates, is in agreement with the researchers above in that he concluded inmates' adaptation improved during the sentence; but, interestingly, he claims that the most striking overall result from his study was the total absence of any evidence for general or widespread deteriorative effects.

#### **4.4.3 Short-Term Detention**

Little is known about the effects of short-term detention. The initial adjustment phases are often seen as the most serious. This can be seen in the number of self inflicted injuries that take place in the first stages of imprisonment, particularly in jail or police cells; these findings are particularly relevant in light of the recent media coverage of inmate suicides and remand facilities and conditions in New Zealand prisons.

#### **4.4.4 Overcrowding and Solitary Confinement**

A vast majority of inmates do not demonstrate long-lasting psychological impairment or problems as a result of imprisonment. However there are certain conditions where this conclusion may not hold, namely isolation and crowding (Bartol, 1991).

It would seem reasonable to suggest, as Fox (1992) does, that for men and women alike one of the most difficult environments within the prison is solitary confinement. This may mean either segregation, which is used as a form of punishment for a violation of an institutional rule, or observation, which is used temporarily to remove an allegedly disturbed or self-destructive inmate from the rest of the inmate population, Regardless of

the purpose, says Fox, solitary confinement can pose a special threat to inmates who have limited resources for coping with frustration. The research so far demonstrates that individuals respond differently to solitude. Although in general the research shows that most individuals are able to tolerate and even adjust to isolation, if the isolation is short in duration, such as a few days.

It is also argued that crowding highlights and exacerbates problems in the prison system and adds to the stresses of prison life, particularly as it restricts the availability of the services and programmes which help alleviate inmate tensions (Department of Justice, 1988).

See Bonta and Gendreau (1990) for more extensive discussion of the effects of overcrowding and solitary confinement.

#### 4.5 FEMALE INMATES AND PRISON CONFINEMENT

“Unless evidence to the contrary is found, we have no a priori reason to suppose that the pains of imprisonment will be felt less keenly by female prisoners than by males” (Giallombardo, 1966, p. 13). Giallombardo (1966) noted that female inmates confronted the same problems that Sykes (1958) had indicated male inmates had experienced.<sup>3</sup> All

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<sup>3</sup> Both researchers identified the following problems as the stressors that cause the pains of imprisonment for females and males (Harris, 1993):

- \* Disorientation resulting from the abrupt termination of the individual’s freedom.
- \* Lack of heterosexual activity.
- \* Lack of emotional support due to separation from family and friends.
- \* Loss of self-esteem.
- \* Loss of autonomy.
- \* Loss of responsibility.
- \* Lack of privacy.
- \* Loss of security.
- \* Lack of property.

<sup>4</sup> Toch (1977) identified eight needs as Harris (1993) defined below:

- \* Privacy: related to the physical environment as well as staff and peers, this is a concern for peace and quiet, a preference for isolation.
- \* Safety: also related to physical, staff and peer variables, this is a concern for minimising the chances of physical attacks.
- \* Structure: related to staff behaviour, this is a concern for clearly defined rules and routines with consistent implementation.

these deprivations, claims Morris (1987), apply equally to female prisoners, and some may be more severe.

Women may also suffer from receiving fewer leisure, work and educational opportunities and from experiencing closer surveillance than men. Toch also identified eight needs that an inmate will experience while incarcerated <sup>4</sup>.

One of the differences between the female and male prison experience which is not considered by many researchers, is the stress created by the loss of interaction with one's children. This stress is greater for the majority of female inmates than male inmates because of the fact that seventy to eighty percent of incarcerated women are mothers, with the majority having primary responsibility for the care of their children prior to incarceration (Harris, 1993). The limited number and remote locations of female facilities make it hard for the families of the inmates to visit. Most female inmates have very limited access to their children, making it difficult to maintain mother-child relationships.

Shaw (1992) discusses the situation for women in prison in Canada. She expresses concern for the Canadian system where women in the maximum security classification are sentenced to one institution. She says that since its opening there has been almost constant concern that women suffer more hardship than men by being removed so far from their homes and families, and that the provision of programmes and facilities does not take account of the needs of women, nor match those available for men. This same situation could be said to exist in New Zealand. There are only three female institutions in New Zealand and of these only one is a maximum security prison, Christchurch Women's Prison, which is situated in the South Island, whereas the main population density exists in the North Island. The situation of the prison means it is hard for an inmate's family to visit her. After a certain proportion of her sentence an inmate is often transferred so that she will be closer to her family. In Canada numerous reports have constantly recommended the replacement or enhancement of the maximum security prison, the "Prison for Women", or its closure and the dispersal of federally sentenced women back to their home provinces.

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\* Support: relevant to programming, this is a concern for services and service providers who assist with inmate development.

\* Emotional Feedback: relevant to staff, family, and friends, this is a concern for personal relations and empathy.

\* Social Stimulation: related to peers, programmes, and physical settings, this is a concern for opportunities for friendly interaction and companionship.

\* Activity: relevant to programming, this is a concern to fill time.

\* Freedom: linked to staff and the exercise of authority, this is a concern for minimal constraints and maximum control over one's own conduct.

In 1965 Ward and Kassebaum also asserted that imprisonment is more painful for women than men because of women's "closer link to the care and upbringing of children" (p. 74). Even though they were writing in 1965, support for this idea is also recent. Edwards (1994) believes that separation from children is still a major concern for women nowadays. Although she uses fairly emotive language, Edwards claims that forty-seven per cent of women in prison in England have dependent children, and "this unbearable burden of separation and guilt places an unspeakable stress on women's lives" (1994, p. 10).

Robinson (1993, p.18), while discussing female offenders in the community corrections field in New Zealand, also comments on the responsibility for children:

My experience has been that the childless women offenders are more the exception than the rule, and caring for women's children is more often shared with parents and whanau than with the children's father. Sometimes they are carrying the burden on their own. Even when there is a regular live-in partner, the care of and responsibility for children leans heavily in the woman's direction.

Fox (1992) quotes an inmate to illustrate the stress and effect on adjustment that separation from family can involve: "I had a hang-up over my family, not knowing if they was alright. They hadn't wrote me anything" (p. 235). Fox also gives the examples of:

M 3: The hardest thing is that I know I can't be home and that I have a son there. He was up to see me in May and asked me when I was coming home, and I just cried. I didn't know what to say to him. And he said he wanted to stay with me. And that bothered me a lot (p. 243).

NYC 14: I had sent my mother-in-law around a day before. And she told me that the shelter was going to take the kids away from her. And she said she would try not to give them up. She wanted to keep them. And I told her, whatever she did, not to give them up. She promised that she wouldn't. But I knew they had more power than her and that by law they could take them away. And that worried me. So I tried to talk to one of the officers to see if she could help me or send me someplace in the institution that they would help me. But I didn't know where to go to for help. But every time I would call to her for help she was busy and she would tell me to wait, but she never came to me. She had 130 girls on the floor, and she said she couldn't help me. I talked to the girls then, but they didn't come up with no answers at all. So I felt it was no use worrying anymore. I'd rather be dead than be in here with all these problems (p. 244).

#### 4.6 THE NEW ZEALAND EXPERIENCE AND ADJUSTMENT TO PRISON LIFE

The New Zealand Justice Department's 1988 submission, *Prisons in Change*, commented on the experience of imprisonment and referred to some of the hardships faced by inmates. The following paragraphs paraphrase parts of their submission. The treatment of prison inmates in New Zealand is guided by the United Nations Standard Rules for the Treatment of Prisoners. The Justice Department acknowledges that the major hardship of prison is the loss of privacy and freedom:

Inmates have lost control of their lives even in the simplest activities. They must eat, wash, dress, work, go to bed according to a rigid timetable which cannot be varied . . . . In addition there is no privacy. Cells and cell activities are able to be inspected at all times by officers. When cells are unlocked there is no privacy either from other inmates (1988, p.53).

According to the inmates themselves, what makes prison life hard is the boring, rigid routine and lack of personal freedom and privacy (Department of Justice, 1988). The Department Submission claims that inmates say prison is “not physically harsh but it is soul destroying. Prisoners say that to survive you have to close down your senses and turn off your reactions. In other words suspend life” (1988, p. 53).

The Justice Department's submission claimed that an inmate's previous life will determine his or her reaction to the prison experience. For some who have been insecure and destitute, prison may initially offer security. But the overpowering impression of those who visit or work in prisons and of prisoners themselves, is the deadening waste of time (Department of Justice, 1988, p. 53).

#### 4.7 INDIVIDUAL DIFFERENCES IN REACTION TO THE PRISON EXPERIENCE

Silverman and Vega (1990) found that inmates enter an institution with a set of personal characteristics that could have substantial impact on their relationships with other inmates and correctional staff.

They argue that prison environments provide situations in which the person's “background of meanings”<sup>5</sup> do not equip him to cope with the world in which he finds himself. The

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<sup>5</sup> Benner (1984, cited by Silverman & Vega, 1990) claims that the stress response that a person manifests stems from his perceptions and interpretation of the incident. She noted the importance of the “background of meaning” that people use to support their action. These background meanings are derived from the

inmate is placed in a setting that, for all intents and purposes, constitutes a foreign environment to which the person responds with culture shock.

With the personal characteristics the inmate brings with him into prison, and the shock of the deprivations he experiences inside it, there are certain to be wide individual differences in the reactions and adjustment to imprisonment. Some people react to imprisonment with severe emotional or mental disorders but, says Bartol (1991), the number appears smaller than originally supposed. Zamble & Porporino (1988) examined the coping strategies and adjustment characteristics of inmates in Canadian penitentiaries. They found that emotional disruption and adjustment were clearly problems for most inmates during the beginning of their sentences, particularly signs of serious to moderate depression. Bartol believes that this deleterious reaction came as no surprise as prison produces a “dramatic disruption in customary behavior, compounded by restrictions, deprivations, and constraints” (1991, p.356). These initial reactions soon dispersed for most of the inmates, and no lasting emotional disturbance was discernible as the inmate became adjusted to the surroundings and prison routine. Toch & Adams with Grant (1989) reported a similar pattern in their study on American prisoners.

## **4.8 CONCLUSION**

### **4.8.1 Conclusions of the Research on the Deprivations of Prison Life**

There is a large body of research regarding the impact of imprisonment and prison conditions on inmate adjustment and well-being (Bonta & Gendreau, 1990; Bukstel & Kilmann, 1980; MacKenzie & Goodstein, 1985; Paulus & Dzindolet, 1991; Zamble & Porporino, 1990). Although there has been much written about the potentially negative impact of confinement or various prison conditions, the literature has not provided strong evidence for such a position. The above reviews concluded that there is little evidence for physiological or mental deterioration as a result of prison confinement (Paulus & Dzindolet, 1993). However, they do not necessarily find positive effects either. Zamble and Porporino (1988, cited by Bartol, 1991) found that their data showed very little positive behavioural change in prison, just as they could see little evidence for general negative effect. So negative or deteriorative effects are not inevitable outcomes of the prison experience.

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individual's culture and provide a framework by which he interprets the stimuli from the events he experiences. Therefore, it is the background meanings that decide whether a given event is seen as stressful. Stress generally occurs when the individual is placed in a situation where his background meanings do not provide a basis for the easy interpretation of the events impinging on him. When this occurs the person, in actuality, is experiencing a form of culture shock which triggers the stress response.

#### **4.8.2 Summary of Inmate Adjustment and Infractions**

A combination/interaction of individual and personal characteristics as well as institutional factors must be considered when trying to explain inmate adjustment to prison and their involvement in rule violations.

Looking at adjustment as an explanation for differences in disciplinary rates is obviously not conclusive, because many factors are involved. Committal of infractions is seen as only one of the indicators of adjustment, it does however play an important part in the explanation of rule violations. An interactionary approach appears to be more realistic, therefore adjustment and its relationship to misconducts must be considered as a part of a whole range of explanations.



# CHAPTER 5

## PRISON OFFICERS

We have looked at the many factors involved in an inmate's adjustment to the prison environment and thus to her committal of infractions; now we must study the role of the officer. The reporting of an inmate for rule violations might be the result of a combination of and an interaction between the individual characteristics of the inmate and environmental factors *plus* such institutional variables as the officer, the management of the prison staff and the definition of the rules.

### 5.1 PERSONAL CHARACTERISTICS

One of the most curious features of the whole history of modern imprisonment has been the way in which the custodial officer, the man on whom the whole edifice of the penitentiary system depends, has with astonishing consistency either been ignored, traduced or idealized but almost never considered seriously (Hawkins, 1976, cited by Klofas, 1986).

Hawkins' claim, although made in 1976, still has some validity today. Although the amount of literature on prison officers has increased in recent years, it is still quite sparse. Literature on prison officers in women's prisons is even rarer.

"Prisons are unnatural environments where the common space is one community's living quarters and another's work space" (Logan, 1993, p. 6). The range of inmates varies in such factors as offence type, age, ethnicity, social and economic background, prior prison experience, ability to cope with incarceration, and adjustment to the environment. Prison officers also come from varied social, economic, and cultural backgrounds; and, as Logan (1993) says, they have their own personal, family and community pressures on emotions, attitudes and behaviour.

The author suggests that the influences of officers' backgrounds and their personal beliefs, morals and values can not help but have an effect on the officers' behaviour. These values and beliefs would be imported into the officer's workplace and thus the prison, and would influence officer-inmate as well as officer-officer relations.

Kauffman (1988) expands on the issues introduced in the previous paragraphs. With regard to an officer and his or her attitude and behaviour in the workplace, Kauffman asks where do the central values and characteristics of the officer 'sub-culture' come from? Are they

principally products of the prison environment itself or are they to a large extent “imported” into the institution by those recruited to the officer role? (p. 165).

This question of whether the officer subculture is imported or is a consequence of prison work has largely been ignored. If the officer subculture principally reflects the types of individuals recruited into it, then the nature of prisons can be substantially influenced by changes in recruitment. If, on the other hand, the officer subculture is principally a product of prison work itself, largely unaffected by the kinds of individuals recruited into it, then the focus of efforts to change the role and behaviour of the officers must be on the structure and conditions of prisons themselves (Kauffman, 1988). Kauffman’s longitudinal study of officers led to the conclusion that neither “importation” nor “prisonisation” by itself accounted for what happened to officers. The officer subculture and the process of acculturation, says Kauffman, appeared to be products of a complex interaction of importation, socialisation, deportation, and cultural evolution.

A factor that needs to be considered as well is the pressures on some officers to conform to the practices and beliefs of other officers. Until recently many officers in New Zealand lived in prison villages, as a consequence of this the majority of officers would socialise together as well as work together.

Often, it has been claimed, if an officer dares to be different from the majority, or to express other beliefs, he will be ostracised. Some inmates claim that those officers who keep separate from the group often display what they consider better treatment of inmates.

Klofas (1986) also believes that social pressures could be felt by a minority group of officers to conform to the majority’s way of thinking. Klofas and Toch (1982, cited by Klofas, 1986) identified young officers as the most likely to believe that most other correctional officers are custodially oriented. While this estimation is invariably inaccurate, says Klofas, it can provide a potent influence. The perceived social pressures, concern with corruption of their authority and the expectation of being tested by inmates can support custodial orientations among new officers.

Some researchers claim that officers come into the job from a mainly custodial position while others believe that some have a rehabilitative orientation. Cullen et al. (1989) claim that the literature indicates that correctional officers do not simply embrace punitive and custodial views but also are supportive of rehabilitative and human service goals. Until recently many officers were recruited from a military background (such as the army), nowadays the emphasis is changing slowly to people with an interest in social work.

Wahler and Gendreau (1990) attempted to identify the behavioural skills of an effective prison officer by administering a questionnaire to both inmates and officers in three Canadian penal institutions. They found that prison officers and supervisors attached significantly more importance to Responsibility/Leadership Skills than inmates. Inmates attached greater importance to Inmate-Relationship Skills than prison officers and supervisors. It is interesting to note that the younger supervisors in the study attributed more importance to the counselling skills of the officer. Wahler and Gendreau suggest that it was likely that many of the older supervisors had come up through a corrections system which reflected the traditional values of past years. Inmates who had considerable experience with prisons appeared to be less concerned with the skills constituting an effective prison officer, possibly, Wahler and Gendreau suggest, because they have developed, through this incarcerated experience, a set system of coping skills to aid in their adjustment to the environment.

## **5.2 DISCRETIONARY DECISION-MAKING BY OFFICERS**

Johnson's second perspective and alternative explanation for the committal of infractions includes the consideration of the role of the rule enforcers along with the targets of the rules. Johnson (1966) suggested that differences among infraction rates may reflect selective attention by rule enforcers to particular classes of misconduct. He also believes that the prison officer has some latitude in initiating official reaction. This possibility, he says, opens the way to differential handling of cases on the basis of the officer's evaluation of an inmate as an individual or member of a stereotyped group as discussed in Chapter 2.

Goetting and Howsen (1986) also suggested (as did Johnson) that concentration of officially reported misconduct among members of a particular segment of the inmate population may more accurately reflect discretionary use of sanctions by the custodial staff than deviant behaviour on the part of the inmates.

Ramirez (1983) expresses concern at the tremendous latitude afforded to staff in "(1) which rule infractions to process officially through disciplinary proceedings and (2) whether, what type, and what severity of punishment to impose " (p. 415).

While some studies of disciplinary board decisions have identified the significance of variables including an inmate's race, age and period of incarceration, the research also notes that considerably more discretion may be exercised in the decision to invoke the disciplinary process than in the quasi-judicial process itself (Klofas, 1986). Disciplinary reports for "waste-basket" offences such as insolence or disobeying a rule may have little to do with the overt behaviour of inmates but depend instead on officer reactions to inmate demeanour (Johnson, 1966).

Tischler and Marquart (1989) claim that relatively little is known about the kinds of inmate activities correctional staff discipline most frequently or differences between types of institutions in terms of rule-violating activities (Brown & Spevacek, 1971, cited by Tischler & Marquart, 1989).

Hewitt, Poole and Regoli (1984), to analyse the staff's reactions to rule violations, gave questionnaires to both inmates and officers of the Federal Correctional Institution at Fort Worth (United States), and checked that prison's disciplinary records. Officers presented with a list of 14 types of inmate rule violations and asked how many they had observed in the past three months, gave figures much higher than the number of disciplinary reports they had filed. The study's sample of 44 guards claimed to have observed 1879 separate incidents, but they only filed 66 incident reports.

This study found that Fort Worth officers were more likely to report rule violations by male than by female inmates, and by black rather than by white inmates. Inmates also reported committing many more rule violations than the officers reported seeing, except for fighting. Inmates of both sexes, and both blacks and whites, reported about the same incidence and prevalence of rule infractions.

### **5.2.1 Differential Reaction**

Flanagan (1983) also discusses his findings from prisons in the north-eastern United States in relation to the "differential reaction" hypothesis advanced by Johnson (1966), Jensen (1977), Poole and Regoli (1980) and Tischler and Marquart (1989). That is, he questions whether the attributes he found to be significantly related to higher involvement in institutional misconduct actually represent differential behavioural response among these inmates, or do the labelling and selective enforcement practices of institutional officials produce the results? He suggests that correctional officers could differentially respond to rule violations on the part of certain types of offenders.

An example of differential treatment in practice was given by Poole and Regoli in their 1980 study of a medium-security prison in a southern state of America. Attempts to account for variation in infraction rates of inmates have focused on how stereotypic labels of deviants may determine the response of social control agents, in this situation the prison officers. A suggestion has been that prior official reactions may lead officers to a pattern of closer surveillance of labelled inmates. This greater vigilance is likely to result in more frequent detection of infractions. In response to what the inmates perceive as discriminatory enforcement of rules, they may react more defiantly or with greater hostility toward officers. These reactions may in turn confirm the officers' suspicions and confirm their negative conceptions. Inmates with a prior disciplinary record may be differentially

perceived by guards so that their behaviour is regarded as more serious, thus requiring official reaction. Guards may also view the presence of a prior record as sufficient evidence for assuming present culpability.

Poole and Regoli applied this theory specifically to officer treatment of black inmates. They claim that the question of differential treatment of inmates has been most frequently tied to arguments of racial discrimination. They suggest that perceptions of inmate behaviour based on racial stereotypes may foster a more oppressive disciplinary posture among guards in their response to blacks.

Mandaraka-Sheppard (1986) also identifies much to be concerned about in the institutional misconduct area in women's prisons, such as the triviality of some of the behaviour recorded as offences against prison discipline, the vagueness of many of the rules and the wide discretion which prison officers have about whether or not to report incidents (which results in inconsistency).

### **5.2.2 The Interpretation of the Rules**

There are differing interpretations of the rules regarding offences, which leads to confusion - not least among those who are enforcing them; and there are some rules which many inmates may not know even exist (Dockley, 1994). Prison Management as well as the legislation defining offences must take some of the responsibility for the differences in interpretation of the rules. Infraction guidelines should be clearly defined so that officers can be consistent in their application of the rules. Prison officers are instrumental in defining what is a rule violation. They interpret prisoners' actions. Prison officers' subjectivity, says Dockley, can lead to inconsistently applied rules and this problem is enhanced if the guidelines relating to offences are unclear.

### **5.2.3 Management and its Role in Discretionary Decision-Making**

In enforcing rules officers must define inmate actions as rule violations or not, decide whether or not to intervene, and select an appropriate disposition (Poole & Regoli, 1980). No officer enforces all the rules all the time, or enforces all rules equally (Grusky, 1959; Cressey, 1959, cited by Poole & Regoli, 1980). For example, say Poole and Regoli, while officers are expected to secure inmate compliance with prison rules, they are expected at the same time to use discretion in enforcing rules. Moreover, they say, since the officer is evaluated in terms of the men he controls, his work performance is dependent on inmate co-operation. In their observations of disciplinary hearings by committees of officer supervisors, Glaser and Fry (1987) found that the supervisors were as likely to question the competency of staff who wrote up complaints about inmate behaviour as they were to be

angered or surprised by the reported inmate misconduct, and staff who were interviewed reported such attitudes in their supervisors.

In their study of prison staff and inmate discipline in three Californian prisons, Glaser and Fry (1987) found that a clear majority of the staff at all of the institutions and about half the inmates at the men's prison agreed with the statement in the questionnaire that if an officer reported all the rule violations that he saw, his supervisors would think that he could not control the inmates in his unit. One guard wrote on his questionnaire:

The administration is too worried about how they look to Sacramento and don't care about their line-staff. I was told by the Asst. Supervisor that I had too many busts. I was told that if I want to fight crime to join a police force. That's because I've busted so many inmates for drugs that Sacramento thinks there are a lot of drugs in prison! Well there are!!!! (Glaser & Fry, 1987, p. 37).

Several researchers have pointed out that guards may learn to maintain control by relaxing rules and overlooking minor infractions (Glaser & Fry, 1987; Kalinich & Stojkovic, 1985; Kauffman, 1988; Sykes, 1958). Selective enforcement of rules offers both punishment and reward for inmate behaviour.

Hewitt, Poole and Regoli (1984) infer, as did Sykes, that officers are more likely to seek inmate co-operation with a carrot than with a stick (Glaser & Fry, 1987). Glaser and Fry believe that the most rewarding "carrot" that officers have to offer may be their not reporting some violations of rules in inter-inmate behaviour if the prisoners are conforming in staff-inmate relationships.

Glaser and Fry (1987) found that the fieldwork stage of their research suggested some management encouragement of reciprocity by overlooking minor rule violations if inmates conformed to the most essential rules. An officer in Glaser and Fry's study commented on the practice of overlooking minor violations in order to gain inmate co-operation:

I felt that the officer would get more cooperation if he overlooked minor rule violations. But more important than a relaxed attitude is consistency. If the officer overlooks nothing and is consistent, the inmates will adjust themselves and cooperate. What is detrimental to relationships is when the officer is unfair and inconsistent, or as I have seen, unnecessarily cruel or deliberately unfeeling. That can really destroy morale both among inmates and staff (1987, p. 33).

### 5.3 OFFICER AND INMATE RELATIONSHIPS

In 1956 Sykes pointed out the vulnerability of guards to corruption of their authority by friendship, reciprocity and default in their relationships with inmates. Friendship corrupts, Sykes said, because the officer is in close association with prisoners throughout the working day. Reciprocity is involved in the corruption of the guard's authority, according to Sykes, because the officer is evaluated in terms of the conduct of the men he controls. Because the inmates supervised by a correction officer can make the officer "look good" or "bad" to higher officials, and many inmates know this, an interdependence develops in the informal relationships between the watchers and the watched. He therefore suggests that the power of the officer is negotiated with the inmates.

Kalinich and Stojkovic (1985) suggest that a great deal of leakage of administrative control exists, and prison rules and regulations are readily circumvented both by officers and inmates. They believe that officers attempt to establish a working relationship with inmates by using their discretion in enforcing rules, which become the basis for cooperation with the inmates, as well as providing the officers with a reputation among the inmates as being fair (Lombardo, 1981).

Staples (1992) believes that the needs and concerns of staff should be described alongside those of prisoners because difficult behaviour in an institution cannot be understood or managed out of context. He believes that the relationships between staff and inmates are the dynamic which determines in large part whether difficult behaviour occurs and in what form.

### 5.4 CONCLUSION

The role of officers in the reporting of infractions by inmates is an important one; their consistency in the application of the rules and regulations is particularly important in that inmates should be assured of the fair and equitable apprehension and reporting of offences. The clear definition of the rules and legislation involving inmate offences is essential so that the officers are able to apply these rules consistently.

## CHAPTER 6

# CRIME AND INFRACTIONS - REPORTED VERSUS UNREPORTED

The available statistics on infractions have their drawbacks. Criminologists agree that the incidence of reported crime in the community is only a fraction of what actually occurs. It is well known that many crimes go undetected. Pollak (cited by Pollock-Byrne, 1990) and others make the point that official sources are unreliable indicators of true criminality. Box (1983) goes as far to say that the official portrait of crime and criminal statistics is highly selective. Official statistics and resultant crime patterns must therefore be treated with a certain amount of distrust. Conviction statistics are a very small proportion of the total number of crimes committed (Clark, 1990). The distinction between unreported and reported crime is particularly relevant for females because women are seen as misrepresented in this area. Some researchers have argued that the numbers presented in official statistics do not represent the true statistics on female crime. Pollak (cited by Pollock-Byrne, 1990) believed that a substantial body of crime committed by females did not find its way into official statistics. Female crime was difficult to detect because of both the type of crime and the methodology. Newbold (1992) also believes that official determinates of crime and deviance contribute towards understating of the true profile of women's deviance in our community. It would seem reasonable to suggest then that this difference between actual and reported violations could translate to the prison community.

Researchers of the rule violations of inmates have typically used official data such as inmate files and disciplinary reports as sources of information regarding inmate deviance and this study is no exception. These data, however, might be biased if inmate deviance is selectively reported based on the personal characteristics of the inmates involved (Hewitt, Poole, & Regoli, 1984; Poole & Regoli, 1980; Ramirez, 1983; Wooldredge, 1994).

The present study is limited in that it has only analysed the reported infractions of inmates and makes no provision for unreported offences. Therefore it is acknowledged by the researcher that the present study examines all *officially* apprehended and processed incidents of inmate misconduct over a period of ten months.

Steinke (1992) felt that a distinction should be made between the commission versus the apprehension of misconduct. Consequently, the misconduct report reflects those factors which determine the apprehension of misconduct and may have very little to do with those factors underlying the commission of such an act. In accordance with this view Ramirez believes that any race differences in the frequency, category, and severity of conduct



reports received will not necessarily indicate differences in behavioural tendencies. Rather, such differences, he suggests, are at least as likely to reflect the individual staff member's perceptions and definitions of the situations and inmates involved in any given incident of misconduct (1983).

Official crime statistics are generally believed to underestimate most criminal offences and are routinely criticised for errors and omissions. There are many technical problems in the construction of criminal statistics. Law enforcement practices vary from one area to another and from one year to another (Morris, 1987). But more important than this, claims Morris (1987), the recording of an event in the criminal statistics is the outcome of a sequence of social and psychological processes. It is impossible to determine with accuracy the amount of crime in any given jurisdiction or at any particular time. Some behaviour is labelled "delinquent" or "crime" by one observer, but not by another. Obviously a large proportion of all law violations goes undetected. Other crimes are detected but not reported and still others are reported but not officially recorded (Sutherland & Cressey, 1978, cited by Clark, 1990). There are many reasons, suggests Morris (1987) for not reporting: triviality of the offence, a belief that the police can do nothing, embarrassment, fear, laziness and the like (Hough & Mayhew cited by Morris, 1987, p.21). If it is reported to the police a separate process of definition takes place. If they agree that the act is illegal or worth bothering about, the act is recorded in the criminal statistics.

A similar process could be said to occur at the prison community level. The infraction must first be witnessed by an officer, the officer must then decide whether or not to report the offence. Many considerations are taken into account when an officer is confronted with a violation of the rules, such as: his perception of how trivial or serious the offence is, previous warnings given to the perpetrator, whether the inmate is from a group previously perceived as troublemakers, and the officer's desire to maintain the status quo. It has been suggested also that some inmates are better able to avoid detection than others, that others know the line between what they can get away with and what will be written up as a charge.

The total number of criminal offences committed, known as the dark figure (Bartol, 1991), will never be known, but estimates from a victimisation survey conducted by the United States Census Bureau suggest that out of every 100 offences committed, 72 are never recorded in the official statistics (Skoggan, cited by Bartol, 1991). However, Skoggan also notes that most unreported violations appear to be minor property offences rather than more serious crimes. Hough & Mayhew (1983 & 1985, cited by Morris, 1987) reported that the British Crime Surveys estimated that the crime rate was three to four times larger than that recorded, although it varied enormously according to the type of crime. Hall

(1985) supports this proposition, she believes that while the study of official crime statistics enables ready access to a large pool of data on criminal offences, it taps only that proportion of offences which have been reported to the police, or for which an offender appears in court. This proportion varies widely, says Hall, according to the type of offence, from very low for rape to very high for murder.

In the prison environment there is likely to be a large proportion of infractions that go undetected or unreported for a variety of reasons, even though we must consider that in the prison environment inmates are a lot more closely supervised than the general public.

Fuller and Orsagh in their 1979 study of violent behaviour within the North Carolina prison system also commented on the reported incidence of misconducts. Specifically interested in assaults by inmates on each other during the course of their study, they compared the officially reported incidents with the estimate given by the superintendents of the institutions they studied. The ten superintendents estimated that, on the average, 29 percent of all assaults go unreported. Poole & Regoli (1983, cited by Goetting & Howsen, 1986) estimate that only 2.91% of behaviour infractions are formally reported.

In this type of exploratory, archival research there are relatively few options open to the researcher other than to rely on official records. Although self-report data is another option, unfortunately methodological problems have been associated with this form of data collection as well. Often inmates are asked to remember events that have occurred a number of days, even months previously. Their memory of certain incidents may not be reliable and could in turn affect the data collection. The best option at the time of the present study, for the researcher, seemed to be to use officially reported incidents and misconducts and to acknowledge that the study was biased in that it studied only those infractions that were apprehended and then officially reported.

# THE PRESENT STUDY

This study examines inmate traits as they relate to rule-breaking behaviour. In summarising the findings of those who have done research on the subject we have discovered the truth of the statement by Goetting and Howsen (1986) that a "myriad of other factors including characteristics of the prison structure and of the environment external to the prison may also contribute to variation in the rate of disciplinary infractions" (p.64).

So far we have looked mainly at findings of those who have studied overseas institutions. The present study focuses on the New Zealand female institution, Christchurch Women's Prison (C.W.P), and investigates the reported rule violations (misconduct and incident reports) written on the inmate population and the punishments imposed on them. The study aims to research the areas previously discussed in the introductory chapters in reference to C.W.P. These areas include: which inmates were committing or were reported for what offences; what types of incidents and misconducts were the most frequently reported and why (focusing on explanations involving officer decision-making and inmate adjustment); and if the offences that were reported support the claim in the literature that a number of the charges written on female inmates are minor or even "trivial".

## AIMS

This study aims:

(1). To investigate whether certain inmate variables influenced the reporting of incidents and misconducts (infractions) and the punishments given to sentenced female prisoners at Christchurch Women's Prison (C.W.P). Specifically, it is hypothesised that:

- (a) the age
- (b) race
- (c) recidivist/first offender status
- (d) the present crime for which the prisoner was incarcerated
- (e) and the length of sentence

of the inmate were related to the reporting and punishment of incidents and misconducts at C.W.P during the ten month study period of February 1 1993 to December 1 1993.

(2). To establish what incidents and misconducts were being reported (written up). That is, what incidents and misconducts were most likely to be written up, and which incidents were most likely to be taken to a formal charge. Also included in this aim is to explore Johnson's claims that certain rule violations are more likely to result in (stimulate) official reaction. The infractions that he suggested were more likely to result in an officer response

include violations involving challenges of control, such as disobeying the order of an officer, as well as both verbal and physical conflict with an officer.

(3). To discover whether the claim by many researchers that women inmates are likely to be written up for minor (“trivial”<sup>6</sup>) misconducts is justified and relevant in the case of the Christchurch Women’s Prison.

It should be noted that this is not a definitive study, merely a descriptive study of an inmate population in a particular institution, over a particular time period. The author does not claim that the findings here transfer to other prisons, or even C.W.P. in a different time, because inmates, officers, and procedures change.

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<sup>6</sup> The term “trivial” is used by Pollock-Byrne (1990) who claims that female institutions in her experience are often operated by means of “dozens of serious as well as trivial rules governing behavior” (p. 98, 1990). Other researchers refer to “petty” rules, and suggest that women inmates are reported for offences which would be tolerated in men’s prisons. Roper (1989), in his report on the New Zealand prisons system, acknowledges the contention that many “trivial charges” were brought against inmates (1989, p. 215). In addition to these claims, Braybook and O’Neil (1988) in their census of New Zealand inmates described some of the charges brought against inmates as “exceptionally minor misdemeanours” .

# CHAPTER 7

## METHOD

### 7.1 THE SETTING

The site for the present study was Christchurch Women's Prison (C.W.P.). Christchurch is the only women's prison in the South Island and holds women on remand and sentenced inmates in the three security levels - minimum, medium and maximum. It provides the national maximum security facility for women (Department of Justice, 1988). C.W.P. is located to the west of Christchurch and is situated close to Christchurch Men's Prison (Paparua).

The employees of the New Zealand Justice Department who work at C.W.P. occupy a variety of positions. During the study period the custodial staff included 36 uniformed officers as well as 3 instructors (cooking, gardening and sewing). The officer - inmate ratio during the study period was approximately 1 : 16.

Non custodial staff include : 1 full-time Education Co-Ordinator and tutor staff (who are on 1 term contracts),  
: 1 Social Worker,  
: 2 Psychologists who are at the prison for 3 days a week,  
: 1 Chaplain (10 hours per week, paid by the Catholic Church),  
: Doctor, who visits for approximately 3 hours per week and is on call,  
: 1 part time charge nurse (20 hours per week),  
: 2 prison nurses (20 hours per week),  
: Dentist fortnightly as required,  
: and 3 volunteers from Lincoln for 2 days a week, who take supervised recreation during the University Year.

The members of the management team at C.W.P. at the time of this research were as follows: the General Manager, the Custody Manager, the Programmes Manager and the Administration Manager (see Appendix C). This management structure changed however during the course of this investigation. After a recommendation for restructuring from Head Office, Justice Department the Management positions of Programmes, Administration and General Manager at C.W.P. have been disestablished and their jobs taken over by Rolleston

Prison. Rolleston Prison is situated in the same catchment area as C.W.P. The Custody Manager and Unit Manager positions remain based at C.W.P.

## **7.2 THE SUBJECTS**

The present investigation concentrated on the 10 month period from February 1 1993 until December 1 1993. During this time the sentenced inmate population averaged around 50, fluctuating between 37 and 60 inmates at any given time. The variation in population was due to such factors as short sentences, transfers to other prisons and early releases. C.W.P. has a 63 inmate capacity. This number of inmates enabled the investigator to consider all the incidents and misconducts committed by each of the women. The total number of sentenced female inmates incarcerated at C.W.P. during the study period was 121. Data, however, was not available on one of the inmates, therefore the subject size was 120. The subject (inmate) sample refers to these 120 inmates.

## **7.3 CONFIDENTIALITY**

Permission to gain access to the inmate files was granted by the Assistant Secretary of Penal Institutions on the condition that no inmate would be identified in any report and information would be for research purposes only (as in the Privacy Act 1993 Principle 2 Section 2(g)(i) (ii)). Confidentiality was a major issue in the collection of the data. The names of the inmates were not noted anywhere on the study file. A subject list and corresponding subject number were kept at the prison and remained there at all times. The subject number was noted on each study file but could not be identified with any particular inmate unless the investigator was at the prison.

## **7.4 DATA COLLECTION**

Individual inmate files were examined to gather data on the age, ethnicity, major offence type, length of present sentence and previous terms in custody for each inmate. These were the independent variables in the study.

Current inmate files are held at C.W.P. as well as dormant files which are held at the prison from where the inmate was released. If an inmate is transferred to another prison during her sentence her file is transferred with her. Finally, if an inmate is released from one prison and then sentenced again to another prison, whether soon after or years later, the file is sent there.

7.4.1 Demographic Variables

Date of birth was noted from the cover sheet on each file (i.e. the day, month and year of birth were noted). Age was taken from February 1 1993 for inmates already held in the prison; the age at admission was used for those inmates who entered or were transferred to the prison during the study period. Inmates were categorised into eight age groups, beginning with the category 'Under 20' and ending with those '50 years of age and older'. The categories between these were in five year intervals. Ethnicity was also noted and recorded from the cover sheet on the inmate's file; four ethnic group categories were used: Pakeha, Maori, Samoan, and Other.<sup>7</sup>

7.4.2 Criminal History

The major offence committed by each prisoner is defined as being the offence which resulted in the longest term in custody for which the offender is currently in prison (Braybook & Southey, 1992). For example if a woman is convicted of 1 count of burglary and 1 count of murder her major offence would have been classified as murder. The present study used 7 comprehensive offence categories which were taken from the Census of Prison Inmates 1991 (Braybook & Southey, 1992).

- The 7 offence categories are as follows:
- 1. Violence
  - 2. Other against person
  - 3. Against property
  - 4. Involving drugs
  - 5. Traffic
  - 6. Against justice
  - 7. Miscellaneous

See Appendix D for definitions and examples.

Information on previous custodial sentences was available for all but 1 of the inmates. A recidivist in this study refers to an inmate who has previously been sentenced to a term in custody. A first offender refers to an inmate who has never been previously incarcerated. Previous sentences does not refer to past convictions but is specific to an inmate's past prison experience. This distinction is important because a person can be convicted and sentenced, but the sentence may not necessarily be to a term of imprisonment.

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<sup>7</sup> It should be noted that some of the ethnic group classifications may not be correct as the police are often the agencies who define ethnicity not the individuals themselves.

The length of sentence was also investigated. The 10 categories used in the Census of Prison Inmates 1991 (excluding preventive detention) were also used in this study. Sentence length relates to the actual sentence imposed by the courts. As Braybrook & Southey (1992) acknowledge most inmates will be released on parole or remission before the expiry of their sentence (see Appendix E).

### **7.4.3 Misconduct and Incident Reports**

Data was also collected from misconduct and incident reports. These were the dependent variables in the study. Misconduct reports formally accuse inmates of violating institutional rules. Each misconduct report described the violation in question, the names and numbers of persons involved, the kinds of staff members who were present, the date of the violation and the location in the institution where the violation took place, the plea and statement of the inmate and the punishment given. Incident reports, although similar to misconduct reports, do not formally accuse or charge inmates and they are often only written as an information source in reference to an inmate. Because incident reports are not formal charges they are not penalised. Incident and misconduct reports are kept in individual inmate files. Misconducts are also written up in a punishment book.

The incident and misconduct reports of each inmate were content analysed in the first instance into 17 groups of misconduct and incident type. These 17 groups were subsequently further broken down into 7 principal component categories. This was done by studying each of the 17 groups and combining those that were similar in content.

The composition of the 7 categories are as follows:

#### **1. Inmate - Officer Interactions**

- conflict with an officer - verbal
- conflict with an officer - physical
- disobeying order of an officer
- supplying false information

#### **2. Inmate - Inmate Interactions**

- conflict with inmate - verbal
- conflict with inmate - physical
- relationship with another inmate

#### **3. Interactions With Prison Environment**

- disruptive behaviour
- damage



- complaints
- communication with outside
- being away from appointed place

#### 4. Prohibited Possessions Minor

- borrowing/lending article
- article in cell without approval of an officer

#### 5. Prohibited Possessions Major

- alcohol and drugs

#### 6. Information

#### 7. Self Harm

For specific examples of incidents and misconducts in these groups see Appendix F.

Because no other researchers had undertaken a study like this before the author had to decide fairly arbitrarily on what the seventeen original groups were after the first few days of looking through the files. Once the groups had been decided all the incidents and misconducts were coded into the group that most suited the content of the report. At the completion of the study period the data was entered in the seventeen group form onto the data analysis package.

The seventeen misconduct and incident types were combined into the seven groups so as to make analysis simpler and more concise. The justification for which groups went into which of the seven categories was content; each of the sub-groups had some aspect that made it suitable to combine it with the others in the category. For example the incidents and misconducts in the Inmate - Officer Interaction category were all related in some form to challenging the authority of an officer. They were interactions with an officer, but were not necessarily, in fact very rarely, if at all, friendly interactions. In contrast incidents and misconducts in the second group - Inmate - Inmate Interactions were both friendly and unfriendly. Some of the acts reported involved arguing and also physically assaulting another inmate; but others referred to one inmate's relationship with another. These groups were combined because they involved interactions between inmates and each seem to have been considered as serious as the other.

Interactions With Prison Environment was named as such because of the nature of the incidents and misconducts in this category. A number of the incidents and misconducts reported in this group involved behaviour that disrupted the prison community or caused

damage to the institution. Complaints also came into this category as they were generally to do with some aspect of the prison environment such as the food, facilities or issues regarding inmates and their rights in prison. Communication with the outside generally involved contact with people through letters or phone calls and at visits. The inmates were often reacting in a disruptive or damaging way because of these incidents or outside events. The sub-group 'being away from appointed place' referred to inmates not being at their place of work and frequently involved inmates not being ready at unlock.

The Prohibited Possessions Minor group included incidents and misconducts which related to lending an article to another inmate or having something (such as a radio or item of clothing) in their cell. This was often similar to the other sub-group in this category 'having an article in cell without the approval of an officer'. This was a frequently used charge and could refer to having a letter in your cell not approved by an officer, having a book, a lighter or an article not written on the inmate's personal property sheet when the woman first entered the institution. The two sub-groups often overlapped so they were easily combined.

Although the group Prohibited Possessions Major could also come under the previous category discussed it seemed important to keep the two groups separate as they were so different with regard to the seriousness of the offence. A lot of the previous category incidents and misconducts were quite trivial in nature especially when compared to those in Prohibited Possessions Major. The offences in this group involved alcohol and drugs.

The Information category seems fairly self explanatory; the incidents (no misconducts were in this group) were all related to situations officers felt other officers should be aware of, or they involved certain procedural events. The incidents were quite varied ranging from the general emotional state of an inmate, to noting the referral of an inmate to the social worker, to recording the beginning and progress of a hunger strike.

A small number of incidents and misconducts were reported for the Self Harm category. These noted self-injurious behaviour and/or states of mind of an inmate in relation to this.

#### **7.4.4 Inter-Rater Reliability Check**

An inter-rater reliability check was conducted by a naive experimenter who coded the incidents and misconducts in approximately every third file at both stages of the content analysis without reference to previous classifications by the researcher. This check was conducted so that the researcher could ensure that the incidents and misconducts were coded into appropriate categories. There was a 93.95% agreement rate between the two coders.

#### 7.4.5 Punishment Data

Punishment data was also collected from the misconduct reports. Incident reports do not result in a punishment unless the incident has been taken to a formal charge. This would mean that the incident would then be written up in both a misconduct and an incident report. However, misconducts are not necessarily written up as an incident report first. There are six different types of penalties that can be given for committing a misconduct. In order of severity they are: postponement of eligibility for remission, cell confinement, forfeiture of privileges, forfeiture of earnings, convicted and cautioned, and case dismissed. Different degrees of punishment can be given for the first 4 groups, that is, differing lengths of time can be enforced (see Appendix B). The punishments are recorded in the punishment book as well as on the misconduct sheet.

More than one penalty may be imposed in respect of one offence. Sections 33(3) and 34(3) of the Penal Institutions Act 1954 provide that such penalties cannot be imposed cumulatively. Where more than one penalty has been imposed the most severe of the punishments has been recorded when entering the data for this study.

### 7.5 DATA ANALYSIS

Prisoner misconduct, one of the dependent variables in this study, is defined as the total number of behaviour infractions with which an inmate is charged with during the tenure of her incarceration for the period February 1st 1993 - December 1st 1993. The two other dependent variables investigated were incident reports and penalty type.

The independent variables in this study include: age, ethnic origin, previous incarceration experience, length of current sentence, and major offence type of the inmate.

The main types of analysis undertaken in this study were frequency distributions and the comparisons of means, which were in accordance with the descriptive nature of the study. Significance tests were attempted but because of the small sample size and large number of empty or low cells in the incident and misconduct content groups this type of analysis was not valid or appropriate.

Initially the researcher focused on frequency distributions for the description of the data, however, the focus changed to means when it was realised that the population/sample sizes in each of the variable groups were not presented clearly in frequency data; with the use of means these proportions were taken into account. The frequency data appears in the appendix as it is still a valuable source of information and of interest to the readers.

## **7.6 PROBLEMS WITH CHOOSING THE METHODOLOGY**

Research in the area of rule violations by inmates has never been conducted in New Zealand before so that there have been no relevant past studies to follow. Thus this researcher has had to formulate new processes, including coding systems, with no help from the methodology of past research.

# CHAPTER 8

## INTRODUCTION TO THE RESULTS

### 8.1 SAMPLE DESCRIPTION

Demographic variables were collected from the inmate files of the sentenced female inmates for the ten month period beginning the 1st February 1993 through to 1st December 1993. The total number of sentenced female inmates at Christchurch Women's Prison for the ten month study period was 121. Data was available on 120 of the inmates.

#### 8.1.1 Age Distribution

*Table 1: Age Distribution of Sentenced Female Inmates at C.W.P. 1.2.1993 - 1.12.1993.*

Age in years	number (n)	percent (%)
Under 20	5	4.2
20 - 24	28	23.3
25 - 29	41	34.2
30 - 34	17	14.2
35 - 39	16	13.3
40 - 44	5	4.2
45 - 49	6	5.0
50 & Over	2	1.6
Total	120	100

Table 1 shows the age distribution of sentenced prisoners at the time of the study. Overall, one third of the sentenced inmates were aged between 25 and 29, 62% were under 30 years of age, and 76% under 35 years of age. Of the 120 inmates in the sample only 2 were over the age of 50.

8.1.2 Ethnicity

Table 2: Ethnic Origin of Sentenced Female Inmates at C.W.P. 1.2.1993 - 1.12.1993.

Ethnicity	number (n)	percent (%)
Maori	45	37.5
Pakeha	65	54.2
Samoan	6	5.0
Other	4	3.4
Total	120	100

Table 2 shows the ethnic origin of sentenced inmates at the time of the study, as noted on their files. Just over one half of the sentenced inmates were classified as Pakeha (European), 45 (37.5%) were classified as Maori, and 6 (5.0%) were classified as Samoan. Included in the "Other" category were inmates from the Cook Islands (1), Scotland (1) and Asian countries (2), making a total of 4 inmates in this category.

8.1.3 Previous Incarcerations

Table 3: Previous Incarcerations for Sentenced Female Inmates at C.W.P. 1.2.1993 - 1.12.1993.

Previous Incarceration	number (n)	percent (%)
Unknown	1	0.8
First Offender	75	62.5
Recidivist	44	36.7
Total	120	100

Table 3 presents previous incarceration data for the female inmates at C.W.P during the study period. Information on previous terms in custody was available for all but one of the 120 inmates in the study. As noted in the method section a first offender in this study refers to an inmate who has never been previously incarcerated. A recidivist refers to an inmate who has spent previous terms in custody. The investigator originally intended to look at the number of previous custodial sentences but found that the collection of this data was quite complicated, and so as to ensure accuracy decided to study *if* an inmate had been incarcerated before rather than the *number* of previous terms. Seventy five of the inmates (62.5%) had never been imprisoned before and 44 (36.7%) had spent a previous term in custody.

8.1.4 Offence Type

The major offence associated with each inmate is defined as the offence which resulted in the longest term of custody for which the offender is currently in prison.

Table 4: Offence Type of Sentenced Female Inmates at C.W.P. 1.2.1993 - 1.12.1993.

Offence Type	number (n)	percent (%)
Violent	44	36.7
Against Property	37	30.8
Other Against Person	1	0.8
Drugs	11	9.2
Traffic	11	9.2
Justice	9	7.5
Miscellaneous	7	5.8
Total	120	100

Table 4 indicates that for 36.7% of the inmates the major offence leading to the period of incarceration was one involving violence (of the violent offences, nine (20.5%) involved murder). The next biggest group were the property offenders (30.8%), followed by an equal number of drug and traffic offenders (9.2%). There were nine inmates (7.5%) who committed offences against the administration of justice, and one inmate who committed an offence against the person not classified as involving violence. Of the 120 inmates, seven of them committed offences that came under the miscellaneous category, these included offences such as unlawful possession of a weapon and breaches against the Social Security Act.

8.1.5 Sentence Length

As noted in the method, information in this section relates to the actual sentence imposed. Most inmates will be released on parole or remission before the expiry of their sentence.

Table 5: Total Sentence Length for Sentenced Female Inmates at C.W.P. 1.2.1993 - 1.12.1993.

Sentence Length	number (n)	percent (%)
Under 3 months	10	8.3
3 - under 6 months	17	14.2
6 months - under 1 year	36	30.0
1 - under 2 years	24	20.0
2 - under 3 years	6	5.0
3 - under 5 years	13	10.8
5 - under 7 years	1	0.8
7 - under 10 years	3	2.5
10 years & over	1	0.8
Life	9	7.5
Total	120	100

Table 5 presents the total sentence length being served when all concurrent and cumulative sentences for each inmate were taken into account. Approximately one half of the inmates were serving a total custodial sentence of less than one year in duration. Nine inmates (7.5%) were serving life imprisonment. Including life sentences, fourteen inmates (11.6%) were serving a prison sentence of at least five years. Ten of the prisoners were serving sentences of less than three months imprisonment.



8.2 INCIDENT & MISCONDUCT DATA (RULE VIOLATIONS)

Table 6: Frequency of Reported Incident & Misconduct Types at C.W.P. 1.2.1993 - 1.12.1993.

Type	Incident (n)	Incident (%)	Misconduct (n)	Misconduct (%)
Group 1. Inmate - Officer Interactions	55	17.7	55	32.5
Group 2. Inmate - Inmate Interactions	84	27.0	33	19.5
Group 3. Interactions With Prison Environment	43	13.8	37	21.9
Group 4. Prohibited Possessions - Minor	11	3.5	30	17.8
Group 5. Prohibited Possessions - Major	36	11.6	13	7.7
Group 6. Information	75	24.1	0	0.0
Group 7. Self Harm	7	2.6	1	0.6
Total	311	100	169	100

Table 6 shows the types of incidents and misconducts reported at C.W.P. during the 10 month study period. The total number of incidents reported for sentenced female inmates at C.W.P from 1st February 1993 - 1st December 1993 was 311. Inmate - Inmate Interactions were the most common incidents reported during the 10 month period (84), Information incidents were also frequently reported with 24.1% of the total number of incidents in this category. Of the 311 incidents reported 17.7% involved Inmate - Officer Interactions, 13.8% involved Interactions With the Environment, 11.6% of the incidents were in the Prohibited Possessions Major category and 3.5% came under the Prohibited Possessions Minor group. Self Harm incidents only accounted for 2.6% of the total number of incidents reported.

During the 10 month study period a total of 169 misconducts were reported. Inmate - Officer Interactions were the most frequently reported offences during this time (32.5%), 21.9% of the misconducts written came under the Interaction With Prison Environment category, 19.5% involved Inmate - Inmate Interactions, 17.8% were Prohibited Possessions (Minor) offences, and 7.7% were Prohibited Possessions (Major) offences. No Information incidents were written up as misconduct reports and Self Harm acts were only reported as a misconduct once (0.6%).

8.3 PUNISHMENT DATA

Table 7: Frequency of Use of Penalty Types at C.W.P. 1.2.1993 - 1.12.1993

Penalty type	number (n)	percent (%)
Postponement of Eligibility for Remission	15	8.9
Cell Confinement	39	23.1
Loss of Privileges	71	42.0
Loss of Earnings	0	0.0
Convicted & Cautioned	31	18.3
Case Dismissed	13	7.7
Total	169	100

Table 7 shows the number of times the 6 different types of punishments were used at C.W.P during the 10 month study period. The most frequently used penalty was Loss of Privileges (42%), next was Cell Confinement (23.1%), followed by Convicted and Cautioned (18.3%). Postponement of Eligibility for Remission was not often used as a punishment, and charges were dismissed in only 7.7% of the misconducts heard. Loss of Earnings was not given as a penalty at C.W.P during the 10 months of the study period.

### 8.3.1 Punishments Imposed for Misconduct Types

Table 8: Penalty Frequencies for Misconduct Types at C.W.P. 1.2.1993 - 1.12.1993

Penalty	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
PP Eligibility Remission	1	1.8	6	18.2	1	2.7	0	0.0	7	53.8	0	0.0	0	0.0	15	8.9
Cell Confinement	18	32.7	6	18.2	2	5.4	7	23.3	6	46.2	0	0.0	0	0.0	39	23.1
Loss of Privileges	25	45.5	12	36.4	18	48.6	16	53.3	0	0.0	0	0.0	0	0.0	71	42.0
Convicted & Cautioned	11	20.0	3	9.1	11	29.7	5	16.7	0	0.0	0	0.0	1	100	31	18.3
Case Dismissed	0	0.0	6	18.2	5	13.5	2	6.7	0	0.0	0	0.0	0	0.0	13	7.7
Total	55	100	33	100	37	100	30	100	13	100	0	0.0	1	100	169	100

Note: Inmate - Officer = Inmate - Officer Interactions; Inmate - Inmate = Inmate - Inmate Interactions; Prison Envirmnt. = Interactions With Prison Environment; Prohibited Poss Minr = Prohibited Possessions Minor; Prohibited Poss Majr = Prohibited Possessions Major; Info. = Information; PP Eligibility - Remission is the shortened form of Postponement of Eligibility for Remission.

Table 8 shows the types of punishments given for the different groups of misconducts. Postponement of Eligibility for Remission was imposed the most frequently on inmates who committed Prohibited Possessions Major misconducts (7); these misconducts involved drug and alcohol violations. Cell Confinement was the most frequently imposed on those inmates who had been reported for misconducts involving Inmate - Officer Interactions (18). Infractors in the Inmate - Officer category also had the most Loss of Privileges penalties (25) awarded to them. An equal number of inmates (11) were Convicted and Cautioned in the Inmate - Officer Interactions and the Inmate - Inmate Interactions categories. The misconduct group that involved the greatest number of dismissed cases was the Inmate - Inmate Interactions category, followed closely by violations in the Interactions with Environment group.

Postponement of Eligibility for Remission made up only 1.8% of the total number of punishments imposed on inmates who committed Inmate - Officer Interaction offences. The most frequently imposed penalty was Loss of Privileges for offenders in this group (45.5%), followed by Cell Confinement (32.7%) and Convicted and Cautioned (20%). Inmate - Inmate Interactions were most frequently sanctioned by Loss of Privileges (36.4%) and were equally punished by Postponement of Eligibility for Remission, Cell Confinement, and Case Dismissed penalties (18.2%). The Inmate - Inmate Interaction violators were Convicted and Cautioned 3 times out of the 33 offences. in this group. Nearly half of the misconducts in the Interaction with Environment category were punished with Loss of Privileges (48.6%), with the next most frequently imposed penalty being Convicted and Cautioned (29.7%). Of the 37 charges in this group 5 were dismissed. Cell Confinement was used only twice as a punishment for offenders in this group and Postponement of Eligibility for Remission once; this could indicate the triviality or minor nature of some of the offences in this group. The majority of the offences in the Prohibited Possessions Minor category were punished by Loss of Privileges (53.3%). Of the 30 misconducts reported in this group 7 (23.3%) were punished by Cell Confinement, none of the offenders were penalised with Postponement of Eligibility for Remission, 5 (16.7%) were Convicted and Cautioned and 2 (6.7%) had their cases dismissed. The Prohibited Possessions Major misconducts were only punished with the two most severe penalties - Postponement of Eligibility for Remission and Cell Confinement, possibly due to the serious nature of the offences in this category. The inmate who committed the 1 Self Harm misconduct was convicted but only cautioned.

In the results tables the number of the group will be referred to as “n”, the mean as “m”, and the percentage as “%”.

Frequency tables for types of incidents and misconducts reported, and types of penalties imposed on ethnic groups, age groups, offence type groups, sentence length groups and previous incarceration groups are in Appendix G. Detailed punishment data is also shown in Appendix H.

# CHAPTER 9

## AGE GROUPS

### 9.1 INCIDENT & MISCONDUCT DATA FOR AGE GROUPS

Table 9: Age Groups & Incident & Misconduct Frequency

Age Groups in Years	number (n)	percent (%)	Incident (n)	Incident (%)	Misconduct (n)	Misconduct (%)
Under 20	5	4.2	24	7.7	8	4.7
20 - 24	28	23.3	85	27.3	53	31.4
25 - 29	41	34.2	84	27.0	55	32.5
30 - 34	17	14.2	67	21.5	36	21.3
35 - 39	16	13.3	27	8.7	11	6.5
40 - 44	5	4.2	8	2.6	1	0.6
45 - 49	6	5.0	16	5.1	5	3.0
50 & Over	2	1.6	0	0.0	0	0.0
Total	120	100	311	100	169	100

Table 9 shows the number of incidents and misconducts reported for inmates in the 8 age group categories. Inmates under the age of 30 were cited for 62% of the total number of incidents and inmates over the age of 35 were reported for 16.4% of the incidents; when the incidents committed are considered relative to the size of the age groups this is not surprising as inmates under the age of 30 also made up 62% of the inmate population. The inmates with the highest number of reported incidents were those aged between 20 and 24.

The most frequently cited inmates in the misconduct charges were those aged between 25 and 29. However, the 20 to 24 year old inmates were written up for practically the same number of misconducts as the 25 to 29 group and they comprised only 23.3% of the inmate population compared to the older group who comprised 34.2% of the sample. Ninety percent of the misconducts were reported for inmates under the age of 35 who made up 76% of the inmate population. The two inmates over 50 were not cited for any misconducts.

Table 10: Mean Number of Incidents Reported for Age Groups

Age Groups in Years	Mean number Incidents	Standard Deviation	Cases (n)
Under 20	4.80	5.93	5
20 - 24	3.04	3.47	28
25 - 29	2.05	2.59	41
30 - 34	3.94	5.37	17
35 - 39	1.69	3.36	16
40 - 44	1.60	3.58	5
45 - 49	2.67	5.13	6
50 & Over	0	0.00	2
Entire Population	2.59	3.72	120

Table 10 shows the mean number of incidents reported for each of the age groups. The reader should note that the standard deviation is high in nearly all of the cases, this could be due to certain inmates committing a high proportion of the incidents in their group. Inmates under the age of 20 had the highest mean number of incidents reported for any of the age groups, their mean was 4.80. The next highest mean, 3.94, was for those inmates aged between 30 and 34, followed by a mean of 3.04 for the prisoners aged between 20 and 24. The mean number of incidents increased again for the 45 to 49 year old inmates.

Table 11: Mean Number of Misconducts Reported for Age Groups

Age Groups in Years	Mean Number Misconducts	Standard Deviation	Cases (n)
Under 20	1.60	1.14	5
20 - 24	1.89	2.36	28
25 - 29	1.34	1.84	41
30 - 34	2.12	3.02	17
35 - 39	0.69	0.95	16
40 - 44	0.20	0.45	5
45 - 49	0.83	1.60	6
50 & Over	0	0.00	2
Entire Population	1.41	2.05	120

The mean number of misconducts reported for each of the age groups is shown in Table 11. The highest mean number of misconducts cited for a group was 2.12, this was for inmates aged between 30 and 34. This was followed by means of 1.89 for inmates aged 20 to 24, 1.60

for inmates Under 20, and 1.34 for those inmates aged 25 to 29. The mean numbers of misconducts cited for the 35 to 39 year olds, the 40 to 44 year olds and those inmates aged between 45 and 49 were low.

*Table 12: Age Groups & Mean Numbers of Incident Types*

Age Group	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm	
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m
Undr 20 (5)	0.60	18.0	1.20	21.9	1.60	46.2	0.20	28.6	0.60	32.4	0.60	12.8	0.00	0.0
20 - 24 (28)	0.43	12.9	1.14	20.8	0.39	11.3	0.14	20.0	0.32	17.3	0.57	12.2	0.04	15.4
25 - 29 (41)	0.41	12.3	0.29	5.3	0.22	6.4	0.10	14.3	0.37	20.0	0.56	11.9	0.10	38.5
30 - 34 (17)	0.82	24.6	1.18	21.5	0.41	11.8	0.06	8.6	0.18	9.7	1.18	25.2	0.12	46.2
35 - 39 (16)	0.25	7.5	0.44	8.0	0.31	9.0	0.00	0.0	0.38	20.5	0.31	6.6	0.00	0.0
40 - 44 (5)	0.00	0.0	0.40	7.3	0.20	5.8	0.20	28.6	0.00	0.0	0.80	17.1	0.00	0.0
45 - 49 (6)	0.83	24.9	0.83	15.1	0.33	9.5	0.00	0.0	0.00	0.0	0.67	14.3	0.00	0.0
50 & Ovr(2)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)	3.34	100	5.48	100	3.46	100	0.7	100	1.85	100	4.69	100	0.26	100

Table 12 shows the types and mean numbers of incidents reported for each of the age groups. Inmates aged between 45 and 49 had the highest mean number of Inmate - Officer Interaction incidents reported (0.83), followed closely by the inmates aged between 30 and 34 (0.82). Inmates who were under 20 years of age and inmates aged between 20 and 24 and 30 and 34 were reported for similar means in the Inmate - Inmate Interaction category of incidents. Those inmates who were under 20 years of age were reported for the highest mean number of incidents (1.60) in the Interaction with Prison Environment category; they committed 46.2% of the mean number of reported incidents in this category, a much greater number than any of the other age groups. For incidents which involved Prohibited Possessions Minor equal mean numbers (0.20) were reported for inmates in the under 20 and 40 - 44 age groups. Inmates aged under 20 were also reported for the highest mean number of incidents in the Prohibited Possessions Major category, followed by inmates aged between 35 - 39, 25 - 29, and 20 - 24. Inmates under the age of 35 accounted for 62% of the mean number of incidents reported in the Information category. The inmates in these age groups also committed all of the reported Self Harm acts in the study period.

Table 13: Age Groups & Mean Numbers of Misconduct Types

Age Group	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Undr 20 (5)		0.60	19.2	0.00	0.0	0.60	26.8	0.40	26.3	0.00	0.0	0.00	0.0	0.00	0.0
20 - 24 (28)		0.57	18.3	0.36	26.1	0.43	19.2	0.36	23.7	0.18	43.9	0.00	0.0	0.00	0.0
25 - 29 (41)		0.44	14.1	0.24	17.4	0.24	10.7	0.22	14.5	0.17	41.5	0.00	0.0	0.02	100
30 - 34 (17)		0.71	22.8	0.53	38.4	0.41	18.3	0.41	27.0	0.06	14.6	0.00	0.0	0.00	0.0
35 - 39 (16)		0.13	4.2	0.25	18.1	0.19	8.5	0.13	8.6	0.00	0.0	0.00	0.0	0.00	0.0
40 - 44 (5)		0.00	0.0	0.00	0.0	0.20	8.9	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
45 - 49 (6)		0.67	21.5	0.00	0.0	0.17	7.6	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
50 & Ovr(2)		0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)		3.12	100	1.38	100	2.24	100	1.52	100	0.41	100	0.00	0.0	0.02	100

The types and mean numbers of misconducts reported for each of the age groups are shown in Table 13. Those inmates aged from under 20 to 34 committed the majority of the mean number of reported Inmate - Officer Interaction misconducts (74%). Inmates aged between 45 and 49 also committed quite a high mean number of misconducts in this category (0.67). Inmates aged from under 20 to 34 were also written up for the majority of all other types of misconducts. Specifically, inmates aged between 30 and 34 were reported for the highest mean number of misconducts in the Inmate - Inmate Interaction category; inmates aged under 20 were cited for the highest mean number of misconducts in the Interaction with Prison Environment. Those inmates aged between 30 and 34 were reported for a slightly higher mean number of offences (0.41) in the Prohibited Possessions Minor category than inmates under the age of 20 (0.40). Those inmates aged 20 to 24 were the group with the highest mean number of rule violations (0.18) reported in the Prohibited Possessions Major category, followed closely by inmates aged between 25 and 29 (0.17). The inmate cited for the only Self Harm act was aged between 25 and 29. Those inmates aged over 35 were reported for only a small proportion of the misconducts in the majority of the offence categories.



9.2 PUNISHMENT DATA FOR AGE GROUPS

Table 14: Age Groups & Mean Numbers of Penalty Types

Age Groups	P.P Eligibility Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed	
(n)	m	%	m	%	m	%	m	%	m	%
Undr 20 (5)	0.20	28.2	0.20	12.4	0.80	20.6	0.40	20.6	0.00	0.0
20 - 24 (28)	0.21	29.6	0.43	26.7	0.68	17.5	0.39	20.1	0.18	34.0
25 - 29 (41)	0.12	16.9	0.39	24.2	0.54	13.9	0.20	10.3	0.10	18.9
30 - 34 (17)	0.12	16.9	0.53	32.9	1.06	27.2	0.29	14.9	0.12	22.6
35 - 39 (16)	0.06	8.5	0.06	3.7	0.31	8.0	0.13	6.7	0.13	24.5
40 - 44 (5)	0.00	0.0	0.00	0.0	0.00	0.0	0.2	10.3	0.00	0.0
45 - 49 (6)	0.00	0.0	0.00	0.0	0.50	12.9	0.33	17.0	0.00	0.0
50 & Ovr(2)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)	0.71	100	1.61	100	3.89	100	1.94	100	0.53	100

Table 14 shows the types of penalties imposed on the inmates in each of the age groups. Those inmates aged between 20 and 24 had the highest proportion of Postponement of Eligibility for Remission penalties given (29.6%), followed very closely by inmates aged under 20 (28.2%). Of the Cell Confinement punishments given, a mean number of 0.53 were imposed on inmates aged between 30 and 34, 0.43 were awarded to 20 - 24 year old inmates and 0.39 to inmates aged between 25 and 29. Loss of Privileges was the most frequently given penalty, with 27.2% of the mean number of punishments in this category imposed on inmates aged between 30 and 34, 20.6% on inmates under the age of 20 and 17.5% on inmates 20 to 24 years of age. Inmates aged under 20 and between 20 and 24 were punished with a similar mean number of Convicted and Cautioned penalties. The highest mean number of Cases Dismissed involved inmates aged between 20 and 24. The most frequent punishments for inmates over the age of 40 were Loss of Privileges and Convicted and Cautioned. Overall inmates aged from under 20 to 34 were the most frequently punished in all the penalty types due to their greater involvement in rule violations.

9.3 SUMMARY OF AGE GROUP DATA

Inmates aged between 20 and 34 accounted for a large majority of all incidents and misconducts reported. These inmates did, however, make up a large proportion of the inmate population (72%). This part of the inmate population was cited for 76% of all incidents and 85% of all misconducts. The inmates under 20 years of age had the highest mean number of incidents reported (4.8) and inmates between the ages of 30 and 34 had the highest mean

number of misconducts cited (2.12). The most frequently imposed penalty for all the age groups was Loss of Privileges; interestingly the highest mean numbers of Convicted and Cautioned and Case Dismissed penalties were imposed on inmates aged under 25.

### **9.3.1 Hypothesis (1)(a)**

The hypothesis that the age of an inmate would be related to the reporting and punishment of incidents and misconducts at C.W.P was proven and therefore accepted. Inmates under the age of 35 were reported for the majority of the incidents and misconducts and as a result were punished more often, it should be noted however that this group also made up the majority of the inmate population.

# CHAPTER 10

## ETHNICITY

### 10.1 INCIDENT & MISCONDUCT DATA FOR ETHNIC GROUPS

Table 15: Ethnic Groups & Incident & Misconduct Frequency

Ethnicity	number (n)	percent (%)	Incident (n)	Incident (%)	Misconduct (n)	Misconduct (%)
Pakeha	65	54.2	147	47.3	72	42.6
Maori	45	37.5	150	48.2	91	53.9
Samoan	6	5.0	10	3.2	6	3.6
Other	4	3.4	4	1.3	0	0.0
Total	120	100	311	100	169	100

Table 15 shows the number of incidents and misconducts committed by each of the ethnic groups. Also noted in this table is the population size for each group. The Pakeha (comprising 54.2% of the inmate population) and Maori (37.5% of the inmate population) groups were reported for practically the same percent of incidents, 47.3% and 48.2 % respectively. However, Maori inmates were reported for the highest proportion of misconducts 53.9%, Pakeha for 42.6% and Samoan for a small 3.6%. No misconducts were reported for the small Other group.

Table 16: Mean Number of Incidents Reported for Ethnic Groups

Ethnicity	Mean Number Incidents	Standard Deviation	Cases (n)
Pakeha	2.26	3.93	65
Maori	3.33	3.62	45
Samoan	1.66	2.34	6
Other	2.00	2.83	4
Entire Population	2.59	3.72	120

Table 16 shows the mean number of incidents reported for each of the ethnic groups. Maori inmates were reported the most frequently for incidents with a mean of 3.33, Pakeha inmates had the next highest rate with an average of 2.26 incidents reported for the study period, the small number of Other prisoners (4) had a mean incident rate of 2.00, while the Samoan

inmates had a 1.66 mean number of incidents written up.

Table 17: Mean Number of Misconducts Reported for Ethnic Groups

Ethnicity	Mean Number Misconducts	Standard Deviation	Cases (n)
Pakeha	1.11	2.15	65
Maori	2.02	1.94	45
Samoan	1.00	1.26	6
Other	0	0	4
Entire Population	1.41	2.05	120

The mean number of misconducts reported for the different ethnic groups is shown in Table 17. Maori inmates were reported for more misconducts than any other ethnic group with a mean of 2.02, Pakeha inmates had a mean of 1.11, Samoan 1.00 and no misconducts were reported for the Other group.

Table 18: Ethnic Groups & Mean Numbers of Incident Types

Ethnicity	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Pakeha (65)	0.37	27.6	0.60	17.5	0.34	42.0	0.09	45.0	0.34	52.3	0.48	17.8	0.05	35.7	
Maori (45)	0.64	47.8	0.82	24.0	0.47	58.0	0.11	55.0	0.31	47.7	0.89	33.0	0.09	64.3	
Samoan (6)	0.33	24.6	1.00	29.2	0.00	0.00	0.00	0.00	0.00	0.00	0.33	12.2	0.00	0.00	
Other (4)	0.00	0.00	1.00	29.2	0.00	0.00	0.00	0.00	0.00	0.00	1.00	37.0	0.00	0.00	
Total (120)	1.34	100	3.42	100	0.81	100	0.20	100	0.65	100	2.7	100	0.14	100	

Table 18 shows the average (mean) number of incidents reported in each of the seven categories for the four ethnic groups. In the Inmate - Officer Interactions category Maori inmates were reported for the highest mean number (0.64), which made up nearly half of the average number of incidents reported in this group. In contrast to the Maori inmates, the Pakeha and Samoan inmates committed a similar mean number of reported incidents (0.37 and 0.33 respectively). In the Inmate - Inmate Interaction category the percent of the average number of incidents was similar for all the ethnic groups. The Pakeha inmates committed 39 of the reported incidents in this category, Maori 37, and Samoan 6, with the Other group committing 2 of the reported incidents (see Table 42 in Appendix G). Maori inmates, on average, committed 58% of the reported incidents in the Interactions with Prison Environment group, Pakeha inmates committed the other 42%. In the groups Prohibited Possessions Minor

and Prohibited Possessions Major, Maori and Pakeha inmates committed similar mean numbers of reported incidents, the Samoan and Other ethnic groups were not reported for any of the incidents in these groups. However, in the Information category inmates in the Other group were reported for an average number of 1.00 incidents, the highest out of the ethnic groups; Maori inmates were next with 0.89 incidents reported on average during the study period; when actual numbers of incidents recorded (not relative to sample size) were viewed, it was found that Maori inmates were reported for 40 of the incidents in the Information category and inmates in the Other group were reported for 2 (see Table 42 Appendix G). The number of Self Harm incidents were small, Maori inmates were reported for a mean of 0.05 incidents (4) and Pakeha for 0.09 (3) in this category (see Table 42 Appendix G).

Table 19: Ethnic Groups & Mean Numbers of Misconduct Types

Ethnicity	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Pakeha (65)		0.31	18.6	0.23	36.5	0.23	23.0	0.23	41.1	0.11	45.8	0.00	0.00	0.00	0.00
Maori (45)		0.69	41.3	0.40	63.5	0.44	44.0	0.33	58.9	0.13	54.2	0.00	0.00	0.02	100
Samoan (6)		0.67	40.1	0.00	0.00	0.33	33.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other (4)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total (120)		1.67	100	0.63	100	1.00	100	0.56	100	0.24	100	0.00	100	0.02	100

Table 19 shows the types of misconducts reported for the different ethnic groups. The most commonly reported offence was Inmate - Officer Interactions (total number was 55, see Table 43 Appendix G); the Maori inmates were reported the most frequently, on average, for rule violations in this group (0.69), followed closely by Samoan inmates (0.67). Maori inmates were also reported the most often for Inmate - Inmate Interaction offences (63.5% of the mean number of misconducts reported) and Interactions with Prison Environment infractions (44%). Maori inmates were reported for slightly higher mean numbers of misconducts in the Prohibited Possessions Minor and Major categories than the Pakeha inmates. Only one inmate was written up on a Self Harm charge and she was Maori (see Table 43 Appendix G). The Samoan inmates were only written up for Inmate - Officer Interactions and Interactions with Prison Environment misconducts; inmates in the Other group were not reported for any misconducts. The Maori inmates were consistently reported for higher mean numbers of offences in all the misconduct categories than any of the other ethnic groups.

10.2 PUNISHMENT DATA FOR ETHNIC GROUPS

Table 20: Ethnic Groups & Mean Numbers of Penalty Types

Ethnicity  (n)	P.P Eligibility Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed	
	m	%	m	%	m	%	m	%	m	%
Pakeha (65)	0.12	42.9	0.34	34.0	0.38	22.5	0.15	19.7	0.11	28.2
Maori (45)	0.16	57.1	0.33	33.0	0.98	58.0	0.44	57.9	0.11	28.2
Samoan (6)	0.00	0.0	0.33	33.0	0.33	19.5	0.17	22.4	0.17	43.6
Other (4)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)	0.28	100	1.00	100	1.69	100	0.76	100	0.39	100

Table 20 shows the types and mean numbers of punishments imposed on inmates in the different ethnic groups for rule violations. A similar mean number of Postponement of Eligibility for Remission penalties were given to the main ethnic groups, with Maori inmates awarded a mean of 0.16 and Pakeha inmates 0.12. Pakeha, Maori and Samoan inmates were penalised with an almost equal mean number of Cell Confinement cases. Maori inmates received the most Loss of Privileges penalties (58% of the mean number awarded), and were also Convicted and Cautioned more frequently than any other group. Samoan inmates had their charges dismissed more often, on average, than the other groups (0.17), charges were dropped for an average of 0.11 cases for both Pakeha and Maori inmates.

10.3 SUMMARY OF ETHNICITY DATA

Maori and Pakeha inmates were reported for a similar number of incidents, however Maori prisoners were charged with a slightly higher number of misconducts than Pakeha inmates. Maori inmates made up only 37.5% of the inmate population compared to Pakeha inmates who made up 54.2%; this was taken into account by looking at the mean number of reported incidents and misconducts rather than their frequencies. When the total numbers of incidents and misconducts were considered relative to the sample sizes of the ethnic groups it was noted that the smaller numbers of Maori inmates were reported for the majority of both incidents and misconducts. Generally, Maori inmates had higher mean numbers for the incident and misconduct type groups than the other ethnic groups. However, Pakeha inmates were reported more frequently for incidents involving Prohibited Possessions Major and Samoan inmates were reported more frequently for incidents in the Information and Inmate - Inmate categories; Maori inmates were reported for greater mean numbers of misconducts in all the 7 offence categories compared to the other ethnic groups. Due to their higher rates of reported offences Maori inmates were punished more frequently than the other ethnic groups, however the main penalty imposed on Maori inmates was Loss of Privileges, which is viewed

as a less severe punishment than Cell Confinement and Loss of Eligibility for Remission; Pakeha inmates were punished, on average, by a slightly higher number of Cell Confinement penalties than the other ethnic groups.

### **10.3.1 Hypothesis (1)(b)**

The hypothesis that the race (ethnicity) of an inmate would be related to the reporting of incidents and misconducts at C.W.P was proven and therefore accepted. Maori inmates were generally reported for higher mean numbers of both incidents and misconducts. The second part of the hypothesis which involved the influence of race on the punishment of offences was not proven in the same way as the reporting; although Maori inmates were punished more frequently than other groups due to their higher rate of misconducts they did not seem to be punished as severely as the Pakeha inmates.

CHAPTER 11

PREVIOUS INCARCERATION

11.1 INCIDENT & MISCONDUCT DATA FOR PREVIOUS INCARCERATION GROUPS

Table 21: Previous Incarceration Groups & Incident & Misconduct Frequency

Previous Incarceration	number (n)	percent (%)	Incident (n)	Incident (%)	Misconduct (n)	Misconduct (%)
First Offender	75	62.5	167	53.7	89	52.7
Recidivist	44	36.7	144	46.3	80	47.3
Unknown	1	0.8	0	0.0	0	0.0
Total	120	100.00	311	100.00	169	100.00

Table 21 gives the misconduct and incident frequencies for inmates in the previous incarceration categories. Inmates with no prior prison experience made up 62.5% of the prison population. This group is shown to have committed 53.7% of the incidents reported and 52.7% of the misconducts. Those inmates who had been incarcerated before accounted for 36.7% of the total inmate population and were reported for 46.3% of the incidents shown and 47.3% of the misconducts. Information on previous prison experience was not available for one inmate.

Table 22: Mean Number of Incidents Reported for Previous Incarceration Groups

Previous Incarceration	Mean Number Incidents	Standard Deviation	Cases (n)
First Offender	2.23	3.46	75
Recidivist	3.27	4.11	44
Unknown	0	0.00	1
Entire Population	2.59	3.72	120

The mean number of incidents reported for each of the previous incarceration groups is presented in Table 22. Recidivists were reported for the highest mean number of incidents (3.27); First Offenders were reported for a mean of 2.23 incidents during the study period.



Table 23: Mean Number of Misconducts Reported for Previous Incarceration Groups

Previous Incarceration	Mean Number Misconducts	Standard Deviation	Cases (n)
First Offender	1.19	1.77	75
Recidivist	1.82	2.44	44
Unknown	0	0.00	1
Entire Population	1.41	2.05	120

Although the difference between the reported mean number of incidents was quite noticeable, the mean number of misconducts reported were similar. Table 23 shows the average number of misconducts reported for each of the previous incarceration groups. Recidivists had a mean of 1.82 misconducts reported and those inmates in the First Offender category are shown to have committed a mean of 1.19 for the reported misconducts.

Table 24: Previous Incarceration Groups & Mean Numbers of Incident Types

Previous Incarceration	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm	
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m
First Offender(75)	0.40	41.2	0.63	42.9	0.28	35.9	0.11	61.1	0.19	27.5	0.55	41.7	0.08	80.0
Recidivist (44)	0.57	58.8	0.84	57.1	0.50	64.1	0.07	38.9	0.50	72.5	0.77	58.3	0.02	20.0
Unknown (1)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)	0.97	100	1.47	100	0.78	100	0.18	100	0.69	100	1.32	100	0.10	100

Table 24 shows the mean numbers of incidents reported for each of the previous incarceration groups. Inmates in the Recidivist category were reported for a higher mean number of Inmate - Officer Interaction incidents than the First Offenders, they were also reported for higher mean numbers of Inmate - Inmate Interaction, Interaction with Prison Environment, Prohibited Possessions Major and Information incidents. Inmates with no prior prison experience were cited for higher mean numbers of incidents in the Prohibited Possessions Minor and Self Harm categories.

Table 25: Previous Incarceration Groups & Mean Numbers of Misconduct Types

Previous Incarceration	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m	%
First Offender(75)		0.40	41.2	0.21	35.0	0.28	43.8	0.21	39.6	0.67	78.8	0.00	0.0	0.01	100
Recidivist (44)		0.57	58.8	0.39	65.0	0.36	56.3	0.32	60.4	0.18	21.2	0.00	0.0	0.00	0.0
Unknown (1)		0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)		0.97	100	0.60	100	0.64	100	0.53	100	0.85	100	0.00	0.0	0.01	100

Table 25 presents the mean numbers of misconducts reported for each of the violation categories. Inmates who had been previously incarcerated (Recidivists) were reported for higher mean numbers of Inmate - Officer Interaction, Inmate - Inmate Interaction, Interactions with Prison Environment and Prohibited Possessions Minor misconducts. First Offenders were cited for higher mean numbers of misconducts in the two remaining offence categories - Prohibited Possessions Major and Self Harm.

11.2 PUNISHMENT DATA FOR PREVIOUS INCARCERATION GROUPS

Table 26: Previous Incarceration Groups & Mean Numbers of Penalty Types

Previous Incarceration	P.P Eligibility Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed	
(n)	m	%	m	%	m	%	m	%	m	%
First Offender(75)	0.11	40.7	0.27	38.6	0.47	36.4	0.27	51.9	0.08	33.3
Recidivist (44)	0.16	59.3	0.43	61.4	0.82	63.6	0.25	48.1	0.16	66.7
Unknown (1)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)	0.27	100	0.70	100	1.29	100	0.52	100	0.24	100

Table 26 shows the mean numbers of punishments imposed on the previous incarceration groups. In accordance with the higher mean numbers of misconducts reported for inmates in the Recidivist group the mean numbers of penalties imposed were higher for inmates in this group for all the punishment types with the only exception being penalties in the Convicted and Cautioned category.

11.3 SUMMARY OF PREVIOUS INCARCERATION DATA

First Offenders were reported more frequently for both incidents and misconducts than Recidivists; First Offenders did however make up a greater proportion of the inmate

population (62.5%) which was noticeable when looking at the mean number of incidents and misconducts for each group. Recidivists were shown to have been reported for a mean of 3.27 incidents compared to First Offenders who had an average of 2.23 incidents written up. Recidivists were also shown to have a slightly higher mean misconduct rate of 1.82 compared to 1.19 for First Offenders. The mean numbers of incident and misconduct *types* were generally higher for Recidivists than for First Offenders as were the penalties imposed in misconduct hearings.

### **11.3.1 Hypothesis (1)(c)**

The hypothesis that the previous incarceration experience of an inmate would influence the reporting and punishment of incidents and misconducts was proven in that the Recidivists appeared to commit slightly higher mean numbers of incidents and misconducts than First Offenders and were punished more frequently as a result. The difference between the mean numbers of misconducts for the two groups was not as great as that between the mean number of incidents. The hypothesis is accepted but it should be noted that reservations are held with regard to the misconduct part of the hypothesis.

# CHAPTER 12

## OFFENCE TYPE

### 12.1 INCIDENT & MISCONDUCT DATA FOR OFFENCE TYPE GROUPS

Table 27: Offence Type Groups & Incident & Misconduct Frequency

Offence Type	number (n)	percent (%)	Incident (n)	Incident (%)	Misconduct (n)	Misconduct (%)
Violent	44	36.7	156	50.2	74	43.8
Against Property	37	30.8	92	29.6	57	33.7
Drugs	11	9.2	9	2.9	4	2.4
Traffic	11	9.2	30	9.6	17	10.1
Justice	9	7.5	11	3.5	9	5.3
Other Against Person	1	0.8	0	0.0	0	0.0
Miscellaneous	7	5.8	13	4.2	8	4.7
Total	120	100	311	100	169	100

Table 27 shows the frequency of incident and misconducts reported for each offence group. Inmates who were imprisoned for a Violent offence made up 36.7% of the inmate population. This group was reported for the highest number of incidents and misconducts (50.2% and 43.8% respectively). Property offenders committed 29.6% of the incidents reported and 33.7% of the misconducts cited. Although the Drug and Traffic offenders made up an equal amount of the inmate population, Traffic offenders were reported more frequently for both incidents (9.6%) and misconducts (10.1%), whereas Drug offenders were reported for 2.9% of the incidents and 2.4% of the misconducts. Inmates who committed Justice offences were reported for slightly more incidents (3.5%) and misconducts (5.3%) than the Drug offenders, as were inmates in the Miscellaneous category (4.2% and 4.7%). The one offender in the Other Against Person category was not reported for any incidents or misconducts.

Table 28: Mean Number of Incidents Reported for Offence Type Groups

Offence Type	Mean Number Incidents	Standard Deviation	Cases (n)
Violent	3.55	4.13	44
Against Property	2.49	4.03	37
Drugs	0.82	1.25	11
Traffic	2.73	3.82	9
Justice	1.22	1.48	9
Other Against Person	0	0.00	1
Miscellaneous	1.86	2.85	7
Entire Population	2.59	3.72	120

Table 28 gives the mean number of incidents reported for the different offence groups. Violent offenders had the highest mean number of incidents (3.55), the next highest were the Traffic offenders (2.73) followed by Property offenders with a mean of 2.49 and the inmates in the Miscellaneous offence type group with a mean of 1.86. Justice offenders had a mean of 1.22. The inmates incarcerated for Drug offences had a low mean number of reported incidents of 0.82 and the inmate who was imprisoned on an Other Against Person charge was not reported for any incidents.

Table 29: Mean Number of Misconducts Reported for Offence Type Groups

Offence Type	Mean Number Misconducts	Standard Deviation	Cases (n)
Violent	1.68	2.15	44
Against Property	1.54	2.44	37
Drugs	0.36	0.50	11
Traffic	1.55	1.37	11
Justice	1.00	1.73	9
Other Against Person	0	0.00	1
Miscellaneous	1.14	1.86	7
Entire Population	1.41	2.05	120

Table 29 presents the mean number of misconducts reported for each offence category. The means for Violent (1.68), Traffic (1.55) and Property offenders (1.54) were similar; the inmates in the Miscellaneous offence category showed only a slightly lower mean (1.14) than

the three groups previously mentioned. Inmates who committed crimes against Justice were cited for a mean of 1.00 misconducts. The Drug offenders show a low mean for reported misconducts of 0.36.

Table 30: Offence Type Groups & Mean Numbers of Incident Types

Offence Group	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Violent (44)	0.57	34.5	1.11	43.5	0.55	29.3	0.14	25.5	0.20	8.4	0.84	24.3	0.14	82.4	
Against Property (37)	0.70	42.4	0.76	29.8	0.22	11.7	0.03	5.5	0.24	10.0	0.51	14.8	0.03	17.6	
Drugs (11)	0.09	5.5	0.18	7.1	0.00	0.0	0.09	16.4	0.09	3.8	0.36	10.4	0.00	0.0	
Traffic (11)	0.18	10.9	0.36	14.1	0.64	34.0	0.18	32.7	0.82	34.3	0.55	15.9	0.00	0.0	
Justice (9)	0.11	6.7	0.00	0.0	0.33	17.6	0.11	20.0	0.33	13.8	0.33	9.6	0.00	0.0	
Other Agst. Person (1)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	
Miscell. (7)	0.00	0.0	0.14	5.5	0.14	7.4	0.00	0.0	0.71	29.7	0.86	24.9	0.00	0.0	
Total (120)	1.65	100	2.55	100	1.88	100	0.55	100	2.39	100	3.45	100	0.17	100	

Table 30 shows the mean numbers of incidents reported for each of the offence type groups. Property offenders committed the highest mean number of reported incidents in the Inmate - Officer Interactions category with an average of 0.70, followed by inmates in the Violent offence group. Violent offenders were reported for the largest proportion of the Inmate - Inmate Interaction incidents with a mean of 1.11, next were the Property offenders with a mean number of 0.76 reported incidents; these two groups committed on average 73% of the total mean number of incidents reported in this category. Traffic offenders were reported for a mean of 0.64 incidents in the Interaction with Prison Environment category, the highest of the means for the offence type groups, they were followed closely by inmates in the Violent offence group who were reported for a mean number of 0.55 incidents. The total number of incidents reported for the Violent offenders in the Interaction with Prison Environment category was 24 compared to 7 for the Traffic offenders (see Table 48 Appendix G). The highest mean in the Prohibited Possessions Minor category was once again reported for Traffic offenders (0.18), the Violent offenders were next with a mean of 0.14 and then inmates in the Justice group with a mean number of 0.11 reported incidents. Traffic offenders were cited for 34.3% of the mean number of incidents in the Prohibited Possessions Major category, and offenders in the Miscellaneous group committed 29.7% of the mean number of reported incidents in this group; interestingly the Drug offenders had the second smallest mean of the offence groups in this category which was made up of drug and alcohol incidents. Inmates in the Miscellaneous and Violent groups were written up for a similar percent of the

reported incidents in the Information category. Of the Self Harm acts reported 6 (mean of 0.14) were committed by Violent offenders and 1 (mean of 0.03) was committed by an inmate in the Property offences category (see Table 48 Appendix G).

Table 31: Offence Type Groups & Mean Numbers of Misconduct Types

Offence Type	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		
	(n)	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Violent (44)	0.64	29.6	0.30	20.5	0.34	20.5	0.32	28.6	0.07	8.2	0.00	0.0	0.02	100	
Against Property (37)	0.46	21.3	0.35	24.0	0.32	19.3	0.30	26.8	0.11	12.9	0.00	0.0	0.00	0.0	
Drugs (11)	0.18	8.3	0.00	0.0	0.00	0.0	0.18	16.1	0.00	0.0	0.00	0.0	0.00	0.0	
Traffic (11)	0.18	8.3	0.27	18.5	0.64	38.6	0.18	16.1	0.27	31.8	0.00	0.0	0.00	0.0	
Justice (9)	0.56	25.9	0.11	7.5	0.22	13.3	0.00	0.0	0.11	12.9	0.00	0.0	0.00	0.0	
Other Agst. Person (1)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	
Miscell. (7)	0.14	6.5	0.43	29.5	0.14	8.3	0.14	12.5	0.29	34.1	0.00	0.0	0.00	0.0	
Total (120)	2.16	100	1.46	100	1.66	100	1.12	100	0.85	100	0.00	100	0.02	100	

Table 31 gives the means for the types of misconducts reported on the inmates in the various offence groups. Inmates in the Violent offence category were reported for a mean number of 0.64 misconducts in the Inmate - Officer Interaction category, the highest mean for the offence type groups. Inmates in the Miscellaneous offence category committed the highest mean number of reported rule violations in the Inmate - Inmate Interactions group and the Prohibited Possessions Major group. Traffic offenders were cited for the highest mean number of misconducts in the Interaction with Prison Environment group and Violent offenders were the highest infractors in the Prohibited Possessions Minor group with a mean of 0.32 reported misconducts, followed closely by inmates who were imprisoned for Property offences with a mean of 0.30. An inmate in the Violent offence category was responsible for the 1 misconduct reported in the Self Harm category (see Table 49 Appendix G).

12.2 PUNISHMENT DATA FOR OFFENCE TYPE GROUPS

Table 32: Offence Type Groups & Mean Numbers of Penalty Types

Offence Type	P.P Eligibility Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed	
(n)	m	%	m	%	m	%	m	%	m	%
Violent (44)	0.16	32.7	0.30	15.9	0.70	23.4	0.39	28.3	0.14	27.5
Against Property (37)	0.19	38.8	0.38	20.1	0.68	22.7	0.16	11.6	0.14	27.5
Drugs (11)	0.00	0.0	0.18	9.5	0.09	3.0	0.04	6.5	0.00	0.0
Traffic (11)	0.00	0.0	0.45	23.8	0.73	24.4	0.27	19.6	0.09	17.6
Justice (9)	0.00	0.0	0.44	23.3	0.22	7.4	0.33	23.9	0.00	0.0
Other Agst. Person (1)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
Miscell. (7)	0.14	28.6	0.14	7.4	0.57	19.1	0.14	10.1	0.14	27.5
Total (120)	0.49	100	1.89	100	2.99	100	1.38	100	0.51	100

Table 32 shows the types of penalties imposed on members of the 7 different offence type groups. Of the Postponement of Eligibility for Remission penalties a mean number of 0.19 were imposed on inmates in the Property offence category, 0.16 on Violent offenders and 0.14 on inmates in the Miscellaneous category. Traffic and Justice offenders fared worst in the number of Cell Confinement penalties imposed with 23.8% and 23.3% of the mean number of punishments awarded respectively. Similar means for Loss of Privileges penalties occurred in the Violent, Property and Traffic offender categories. Violent offenders had the highest mean number of penalties imposed in the Convicted and Cautioned category. Violent, Property and Miscellaneous offenders had an equal mean number of Cases Dismissed with an average of 0.14 charges dropped for each of the groups.

12.3 SUMMARY OF OFFENCE TYPE DATA

The inmates imprisoned for Violent offences were the most frequently reported for both incidents and misconducts; this group however contained the largest proportion of inmates. The mean number of incidents for Violent offenders (3.55) was higher than for other groups, the second most reported group were the Property offenders; their mean number of incidents was 2.49. Although there was quite a big discrepancy in the number of incidents reported for each offence group, the misconduct report rate was quite similar. Inmates in the Violent, Property, Traffic, Justice and Miscellaneous offence classifications were reported with a mean that was between 1.00 (Justice) and 1.68 (Violent). In general, the Violent, Property and Traffic offenders were reported the most often in all types of incidents and misconducts, as a



result there were more penalties imposed on these offence type groups, generally there were no major noticeable differences in the punishments given.

#### **12.3.1 Hypothesis (1)(d)**

The hypothesis that the type of crime that the inmate was incarcerated for would be related to the reporting and punishment of incidents and misconducts was proven in part, in that the Violent offenders were reported for the highest mean number of incidents and for a slightly higher mean number of misconducts than the other offence type groups; the second part of the hypothesis relating to the punishment of misconducts was not proven satisfactorily.

# CHAPTER 13

## LENGTH OF SENTENCE

### 13.1 INCIDENT & MISCONDUCT DATA FOR SENTENCE LENGTH GROUPS

Table 33: Sentence Length Groups & Incident & Misconduct Frequency

Sentence Length	number (n)	percent (%)	Incident (n)	Incident (%)	Misconduct (n)	Misconduct (%)
Under 3 M.	10	8.3	5	1.6	0	0.0
3-Under 6 M	17	14.2	29	9.3	13	7.7
6 M-Under 1 Yr	36	30.0	76	24.4	57	33.7
1-Under 2 Yrs	24	20.0	69	22.2	40	23.7
2-Under 3 Yrs	6	5.0	26	8.4	10	5.9
3-Under 5 Yrs	13	10.8	48	15.4	31	18.3
5-Under 7 Yrs	1	0.8	8	2.6	1	0.6
7- Under 10 Yrs	3	2.5	21	6.8	5	3.0
10 Yrs & Over	1	0.8	8	2.6	4	2.4
Life	9	7.5	21	6.8	8	4.7
Total	120	100	311	100	169	100

Table 33 shows the frequency of incidents and misconducts reported for each sentence length group. The inmates who were serving sentences of 6 Months - Under 1 Year and 1 - Under 2 Years were reported the most often for both incidents and misconducts, with the 6 Months - Under 1 Year group committing slightly more in both categories. These groups do however comprise 50% of the inmate population. Inmates who were serving sentences of under 5 years made up 88.3% of the inmate population and committed 81.3% of the reported incidents and 89.3% of the reported misconducts.

Table 34: Mean Number of Incidents Reported for Sentence Length Groups

Sentence Length	Mean Number Incidents	Standard Deviation	Cases (n)
Under 3 Months	0.50	0.97	10
3 - Under 6 Months	1.71	1.83	17
6 M - Under 1 Year	2.11	2.70	36
1 - Under 2 Years	2.88	4.38	24
2 - Under 3 Years	4.33	3.08	6
3 - Under 5 Years	3.69	6.36	13
5 - Under 7 Years	8.00	0.00	1
7 - Under 10 Years	7.00	5.20	3
10 Years & Over	8.00	0.00	1
Life	2.33	3.32	9
Entire Population	2.59	3.72	120

Table 34 shows the mean number of incidents reported for each of the sentence length groups. These varied a great deal with the mean number of incidents ranging from 0.50 to 8.00. Inmates who were serving sentences of 5 - Under 7 Years and 10 Years & Over are shown to have committed the highest mean number of incidents (8.00), it should be noted, however, that each of these groups contained only 1 inmate; 3 inmates were in the 7 - Under 10 Years category and they had a mean number of 7.00 incidents. Inmates who were serving sentences of 2 - under 3 Years are shown to have committed 4.33 incidents on average; a mean of 3.69 incidents were reported for inmates with a sentence length of 3 - Under 5 Years. Inmates in the 1 - Under 2 Years category were reported for a mean of 2.88 incidents; those inmates sentenced to Life imprisonment committed a mean of 2.33 reported incidents and those in the 6 Months - Under 1 Year classification 2.11 incidents. The inmates who were serving sentences of 3 - under 6 Months and under 3 Months were reported for means of 1.71 and 0.50 respectively.

Table 35: Mean Number of Misconducts Reported for Sentence Length Groups

Sentence Length	Mean Number Misconducts	Standard Deviation	Cases (n)
Under 3 Months	0	0.00	10
3 - Under 6 Months	0.76	1.20	17
6 M - Under 1 Year	1.58	1.98	36
1 - Under 2 Years	1.67	2.20	24
2 - Under 3 Years	1.67	1.21	6
3 - Under 5 Years	2.38	3.50	13
5 - Under 7 Years	1.00	0.00	1
7 - Under 10 Years	1.67	2.08	3
10 Years & Over	4.00	0.00	1
Life	0.89	1.36	9
Entire Population	1.41	2.05	120

Table 35 gives the means for reported misconducts. The range of means for misconducts was not as high as that for incidents, the lowest mean number relates to inmates who were serving sentences of Under 3 Months (0.00) and the highest for the one inmate who was serving a 10 Years & Over sentence (4.00). The rest of the means were fairly similar and were around the 1.5 mark; with the exception of inmates in the 3 - Under 5 Years classification who were reported for a mean of 2.38 misconducts and the inmates in the 3 - Under 6 Months category for a mean of 0.76. The Life sentence inmates are also shown to have had a low misconduct mean of 0.89.

Table 36: Sentence Length Groups & Mean Numbers of Incident Types

Sentence Length (n)	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm	
	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Under 3 M (10)	0.00	0.0	0.00	0.0	0.20	3.4	0.10	3.9	0.10	5.1	0.10	0.8	0.00	0.0
3-Undr 6 M (17)	0.24	3.5	0.29	3.0	0.29	4.9	0.00	0.0	0.41	20.9	0.47	3.6	0.00	0.0
6 M-Undr 1 Yr(36)	0.42	6.2	0.50	5.2	0.19	3.2	0.08	3.1	0.28	14.3	0.53	4.1	0.11	15.9
1-Under 2Yrs(24)	0.33	4.9	0.71	7.4	0.63	10.7	0.13	5.1	0.50	25.5	0.58	4.5	0.00	0.0
2-Under 3 Yrs (6)	1.50	22.1	0.83	8.6	0.33	5.6	0.17	6.6	0.33	16.8	1.00	7.7	0.17	24.6
3-Under 5Yrs(13)	0.54	7.9	1.85	19.2	0.38	6.4	0.08	3.1	0.23	11.7	0.54	4.2	0.08	11.6
5-Under 7 Yrs (1)	0.00	0.0	2.00	20.8	1.00	16.9	1.00	39.1	0.00	0.0	4.00	30.8	0.00	0.0
7-Under 10Yrs(3)	2.33	34.3	1.67	17.3	0.67	11.3	0.00	0.0	0.00	0.0	2.00	15.4	0.33	47.8
10 Yrs & Over (1)	1.00	14.7	1.00	10.4	2.00	33.8	1.00	39.1	0.00	0.0	3.00	23.1	0.00	0.0
Life (9)	0.44	6.5	0.78	8.1	0.22	3.7	0.00	0.0	0.11	5.6	0.78	6.0	0.00	0.0
Total (120)	6.80	100	9.63	100	5.91	100	2.56	100	1.96	100	13.0	100	0.69	100

Table 36 gives the mean numbers of the various incident types reported for each of the sentence length groups. The inmates sentenced for 7 - Under 10 Years were reported for the highest mean number of incidents in the Inmate - Officer Interaction category (2.33), followed by inmates in the 2 - Under 3 Years group (1.50). The inmate who was serving a sentence of 5 - Under 7 Years was reported for an average of 2.00 incidents in the Inmate - Inmate Interaction category. In this same category inmates who were serving 3 - Under 5 Years were reported for a mean number of 1.85 incidents and inmates who had been sentenced for 7 - Under 10 Years were reported for an average of 1.67 incidents. In the Interactions with Prison Environment category the inmate who was serving a 10 Years & Over sentence accounted for 33.8% of the mean number of reported incidents, the inmate sentenced for 5 - Under 7 Years accounted for 16.9% and inmates in the 7 - Under 10 Years sentence length group for 11.3%; the inmates in the 1 - Under 2 years group were reported for the highest number (frequency) of incidents in this category (15, see Table 51 Appendix G). In the Prohibited Possessions Minor category the inmates sentenced for 5 - Under 7 years and 10 Years & Over were reported for an equal mean number of incidents. Of the reported incidents in the Prohibited Possessions Major category inmates sentenced to 1 - Under 2 years committed 25.5% of the mean number and inmates sentenced to 3 - Under 6 Months 20.9%. In the Information category 30.8% of the mean number of incidents reported were committed by the inmate sentenced to 5 - Under 7 Years, 23.1% by the inmate sentenced to 10 Years & Over and 15.4% by inmates in the 7 - Under 10 Years sentence length group. Of the Self Harm acts reported the majority were committed by inmates sentenced to 6 Months - Under 1 Year.

Table 37: Sentence Length Groups & Mean Numbers of Misconduct Types

Sentence Length (n)	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm	
	m	%	m	%	m	%	m	%	m	%	m	%	m	%
Under 3 M (10)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
3-Undr 6 M (17)	0.35	6.2	0.59	25.9	0.18	5.8	0.12	3.4	0.59	27.6	0.00	0.0	0.00	0.0
6 M-Undr 1Yr(36)	0.50	8.9	0.44	19.3	0.28	9.0	0.17	4.8	0.17	7.9	0.00	0.0	0.03	100
1-Under2 Yrs(24)	0.42	7.5	0.21	9.2	0.42	13.5	0.50	14.2	0.13	6.1	0.00	0.0	0.00	0.0
2-Under 3 Yrs (6)	0.83	14.8	0.17	7.5	0.33	10.6	0.17	4.8	0.17	7.9	0.00	0.0	0.00	0.0
3-Under 5Yrs(13)	0.62	11.1	0.54	23.7	0.69	22.1	0.46	13.0	0.08	3.7	0.00	0.0	0.00	0.0
5-Under 7 Yrs (1)	0.00	0.0	0.00	0.0	1.00	32.1	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
7-Under 10Yrs(3)	1.67	29.8	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
10 Yrs & Over (1)	1.00	17.8	0.00	0.0	0.00	0.0	2.00	56.7	1.00	46.7	0.00	0.0	0.00	0.0
Life (9)	0.22	3.9	0.33	14.5	0.22	7.1	0.11	3.1	0.00	0.0	0.00	0.0	0.00	0.0
Total (120)	5.61	100	2.28	100	3.12	100	3.53	100	2.14	100	0.00	100	0.03	100

The mean numbers of misconducts reported for sentence length groups are shown in Table 37. The highest mean number of violations reported in the Inmate - Officer Interaction category was committed by inmates sentenced for 7 - Under 10 Years (1.67); interestingly inmates who were serving Life sentences were only reported for an average of 0.22 misconducts and inmates sentenced to 5 - Under 7 Years and Under 3 Months were not reported for any offences in this category. In the Inmate - Inmate Interaction category inmates in the 3 - Under 6 Months sentence length group were reported for the highest mean number of misconducts (0.59), followed by inmates sentenced to 3 - Under 5 Years (0.54), 6 Months - Under 1 Year (0.44) and inmates sentenced to Life imprisonment (0.33). The inmate in the 5 - Under 7 Years sentence length group was reported for the highest mean of 1.00 misconducts in the Interaction with Prison Environment category and inmates who were serving sentences of 3 - Under 5 Years were reported for 0.69. In the Prohibited Possessions Minor category a mean number of 2.00 misconducts was reported for the inmate sentenced to 10 Years & Over, followed by 0.50 for inmates in the 1 - Under 2 years and 0.46 for inmates in the 3 - Under 5 Years sentence length groups. The inmate in the 10 years & Over group was also cited for the highest mean number of Prohibited Possessions Major misconducts (1.00), with inmates sentenced to 3 - Under 6 Months with the next highest mean of 0.59. The 1 Self Harm act reported as a misconduct was reported for an inmate in the 6 Months - Under 1 Year sentence length group.

13.2 PUNISHMENT DATA FOR SENTENCE LENGTH GROUPS

Table 38: Sentence Length Groups & Mean Numbers of Penalty Types

Sentence Length	P.P Eligibility Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed	
(n)	m	%	m	%	m	%	m	%	m	%
Undr 3 M (10)	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0
3-Undr 6M (17)	0.00	0.0	0.29	7.1	0.35	6.0	0.06	1.5	0.06	7.1
6 M-Undr 1Yr(36)	0.17	20.7	0.39	9.5	0.58	9.9	0.31	7.7	0.14	16.5
1-Undr 2 Yrs (24)	0.17	20.7	0.42	10.3	0.71	12.1	0.25	6.2	0.13	15.3
2-Undr 3 Yrs (6)	0.17	20.7	0.17	4.2	1.00	17.0	0.00	0.0	0.33	38.8
3-Undr 5 Yrs (13)	0.31	37.8	0.38	9.3	1.00	17.0	0.62	15.4	0.08	9.4
5-Undr 7 Yrs (1)	0.00	0.0	0.00	0.0	0.00	0.0	1.00	24.9	0.00	0.0
7-Undr 10 Yrs(3)	0.00	0.0	0.33	8.1	0.67	11.4	0.67	16.7	0.00	0.0
10 Yrs & Ovr (1)	0.00	0.0	2.00	48.9	1.00	17.0	1.00	24.9	0.00	0.0
Life (9)	0.00	0.0	0.11	2.7	0.56	9.5	0.11	2.7	0.11	12.9
Total (120)	0.82	100	4.09	100	5.87	100	4.02	100	0.85	100

Table 38 gives the mean numbers of the penalty types for each of the sentence length groups. Postponement of Eligibility for Remission was imposed for a mean of 0.31 on inmates sentenced to 3 - Under 5 Years, and was imposed for an equal mean number of 0.17 on inmates in the 6 Months - Under 1 Year, 1 - Under 2 Years, and 2 - Under 3 Years sentence length groups. The inmate who was serving a sentence of 10 Years & Over was penalised with Cell Confinement for a mean number of 2.00, followed by inmates sentenced to 1 - Under 2 years (0.42). The mean numbers of Loss of Privileges imposed on sentence length groups were quite similar ranging from 1.00 (10 Years & Over, 2 - Under 3 Years, 3 - Under 5 Years) to 0.00 (Under 3 Months, 5 - Under 7 Years). The highest mean number of Convicted and Cautioned penalties were awarded to inmates sentenced to 5 - Under 7 Years and 10 Years & Over. A mean of 0.33 Cases were Dismissed for inmates sentenced to 2 - Under 3 Years, followed by 0.14 for inmates sentenced to 6 Months - Under 1 Year and 0.13 for inmates in the 1 - Under 2 Years sentence length group.

13.3 SUMMARY OF SENTENCE LENGTH DATA

Inmates serving sentences of 6 Months - Under 1 Year and 1- Under 2 Years were reported more frequently than other groups for both incidents and misconducts; these groups did however make up a large proportion of the inmate population. The ranges of means for both the incidents and misconducts were large, as was noted when the mean numbers of the

reported incident and misconduct types were studied. The penalties imposed on the sentence length groups also varied with quite large ranges in the means, the inmate in the 7 - Under 10 Years category often had the highest reported mean for the punishment groups but this was obviously due to the fact there was only 1 inmate in this sentence length group.

### **13.3.1 Hypothesis (1)(e)**

This researcher suggests that the hypothesis that the length of sentence imposed on an inmate was related to the reporting and punishment of incidents and misconducts could not be proven or disproven, accepted or rejected because of the large disparities in the numbers of inmates in each of the groups.

## **13.4 FREQUENT INFRACTORS**

Often a small segment of the prison population are responsible for the majority of the offences that occur or are reported. These inmates who commit a high number of the reported offences often inflate the total numbers of incidents and misconducts for the groups they belong to; case studies of frequent infractors at C.W.P during the study period are given in Appendix I.



# CHAPTER 14

## DISCUSSION OF THE RESEARCH FINDINGS

The following chapters will discuss the research findings with reference to C.W.P in particular and New Zealand prisons in general. These findings have implications for New Zealand penal policy in such areas as: officer selection, training in the reporting of offences, legislation to define inmate offences and the orientation programmes already in place for new inmates. Other matters to be discussed will be the responsibility of individual prisons and officers for consistency in applying the rules; the applicability of the rules today and the relevance of some of the clauses; the recommendations put forward by various groups, reviews and inquiries; and the part played by legislation in assisting or inhibiting an officer in the fair application of the rules. The chapters will estimate how far selection and training teach officers consistent application and a clear understanding of the rules, regulations and procedures. On the subject of aids for inmates in their adjustment to prison we shall look at the orientation programmes already in place and recommend new programmes. Finally, the role of misconducts in the granting of parole will be briefly discussed.

### **14.1 AIM ONE: SOME FACTORS IN INFRACTIONS AT C.W.P.**

#### **14.1.1 Age**

As with past research, age in the present study did appear to be an influence on the number of reported offences and so the hypothesis that the age of an inmate would be related to the reporting and punishment of offences was proven. My data support the claims that young inmates are more prone to engage in prison misbehaviour than older inmates. Inmates aged between 20 and 29 were reported for the highest proportion of incidents and misconducts. It should be noted, however, that the majority of the inmates at C.W.P at the time of the study were under the age of 30, and that this finding is in accordance with McShane and Williams (1989) who claimed that the age distributions of prison populations are highly skewed with young offenders.

Possible explanations for the part played by age in rule violations have been discussed in previous chapters. These explanations include maladjustment theories as well as discretionary decision making by officers. Suggestions for aiding the adjustment of the inmate to the new environment and how consistency in the application of the rules by officers can be achieved in New Zealand prisons are discussed in Chapter 15.

Age is often a factor in adjustment to environment, and younger inmates may not have the coping strategies in place to deal as easily with new situations; related to this is the fact that younger inmates are less likely to have experienced imprisonment before. The findings that inmates under the age of 20 had the highest mean number of incidents reported, together with the finding that inmates in this age group also committed the highest mean numbers of misconducts and incidents reported in the Interactions with Prison Environment category (many involving disruptive behaviour and damage to the institution), could be seen as manifestations of the maladjustment of younger inmates to the environment. Possibly the restrictive aspects of the prison environment are more frustrating for inmates in these age groups.

Inmates under the age of 20 were also reported for the highest mean number of incidents and a large proportion of the mean number of misconducts involving Prohibited Possessions Minor. The violations of the rules in this group and those in the Interactions with Prison Environment category could also be related to these inmates not being aware of the regulations and rules involved in such areas, for example: not being dressed and ready at unlock, having articles in her cell without the approval of an officer, and disobeying a rule of the institution in that items were lent to and borrowed from other inmates.

Inmates over the age of 35 were reported for approximately 24% of the incidents but were only charged with 10% of the misconducts: perhaps this is a reflection of the claim that older inmates know the limits of tolerance in the system and so avoid those actions that are more likely to result in punitive action. Alternatively, Jensen (1977), in his study of age and rule-breaking in prison, suggests that infractions by the young are more likely to result in punitive reaction than infractions by older inmates.

Inmates under the age of 35 had the greatest total number and mean numbers of penalties imposed on them. Although inmates of 35 and over made up only a very small percentage of the total inmate population and thus wholly comparable figures are not available, inmates under 35 had an average of more penalties imposed on them; and this is consistent with the finding that more charges per inmate tend to be laid against the younger group.

Interestingly, the ages of the inmates who were classed as frequent infractors at C.W.P. ranged from 18 to 46. These inmates are likely to inflate the number of reports for the groups they belong to.

### 14.1.2 Race

Generally research in the area of ethnicity and its influence on the reporting and committal of offences has been contradictory. In the present study four different ethnic groups were studied, and of these groups Maori inmates were found to have been more likely to be reported for incidents and rule violations than any of the other ethnic groups. Both the two largest ethnic groups of Pakeha and Maori were found to have been reported for a similar number of incidents and misconducts; however, the Maori inmates made up a significantly smaller percentage of the total inmate population. Maori inmates were reported for a higher mean number of both incidents and misconducts. Therefore the hypothesis that race would be related to the number of reported incidents and misconducts was proven. The hypothesis that race would also be related to the types of punishments given was not; specifically, the number of punishments given was influenced by the race/ethnic group of the inmate in that it related to the number of misconducts reported and was therefore higher for Maori, however, the severity of the penalties imposed did not appear to be influenced by the race of the inmate and this will be discussed later.

When the types of incidents and misconducts committed by each of the groups were studied it was found that Maori inmates were reported for the majority of the Inmate - Officer Interaction misconducts; this is an interesting finding in that the Pakeha and Maori inmates had initially been reported for a similar number of incidents in this group (see Tables 42 & 43 Appendix G). When the numbers of incidents and misconducts in the Officer - Inmate Interactions category were studied relative to the population size of each ethnic group it was found that Maori inmates were reported for the largest proportion of both the mean number of incidents and misconducts; Samoan inmates were also reported for a high mean number of misconducts in this offence group (higher than Pakeha inmates). Many researchers note the misconducts in the Inmate - Officer Interactions category are considered demeanour dependent offences and as a consequence there is a great deal of officer discretion involved in the decision as to whether an inmate is behaving in such a hostile or disrespectful manner that it warrants a charge and a penalty. This type of behaviour can lead to subjective appraisal and judgement on the part of a prison officer. Ramirez's (1983) claim that when the situation is ripe for bias in staff decision-making black inmates fare considerably worse than white inmates seems to be supported in this instance. Another explanation for this occurrence could be that the Maori and Samoan inmates were not used to the majority of the prison officers' pakeha interactive/communication process and in this situation cultural differences played a part in the committal and reporting of offences.

Another area of interest in which Maori were written up for more misconducts than Pakeha was in the Interaction with Prison Environment category even though Pakeha inmates had

initially been written up for a slightly greater number of incidents (see Tables 42 & 43 Appendix G). The higher mean numbers of incidents and misconducts reported for the Maori inmates in this category could also be related to their adjustment to the environment and their reaction to it.

Overall, Maori inmates were consistently reported for higher mean numbers of misconducts than the other ethnic groups in all the offence categories; in addition to the explanations of adjustment, selective attention by the officers, and different cultural practices, other reasons for this disparity could be the Maori inmates' lack of understanding of the rules. The present orientation programmes in place for inmates are discussed more fully later, but perhaps special attention needs to be paid to ensuring that minority groups have a clear understanding of the rules.

The present study found interesting differences with respect to the punishment of rule violations. Goetting in her 1985 study of a prison community found that there was discrimination against the black inmates in the punitive response to misconduct: it was found that the black inmates were awarded harsher penalties than the white inmates for similar offences. However, although the types of misconducts and the penalties given for each were not analysed in detail it was found in the present study that Pakeha inmates were generally penalised with what are considered harsher sanctions than the Maori inmates. The Pakeha inmates had cell confinement and postponement of eligibility for early release imposed on them more frequently than the Maori inmates even though they committed a smaller number of the reported offences (see Table 44 Appendix G). Maori inmates were punished the most frequently with loss of privileges, and were also convicted and cautioned a number of times. The author proposes that a possible explanation for this difference could be that Maori were reported more frequently for trivial offences for which Pakeha were not reported, whereas Pakeha were found to have been punished more severely because they tended to be reported only for serious offences. An alternative explanation could be that a type of reverse racism was occurring, possibly the officers were sensitive to accusations of picking on Maori inmates (the punishment process is more open to scrutiny than the reporting of offences); or they felt the Pakeha inmates should know better than to break the rules, whereas they expected that type of behaviour of the Maori inmates.

#### **14.1.3 Recidivist/First Offender Status**

Mixed results have also been found in the research in this area: some studies concluded that individuals with prior experience of prison posed fewer disciplinary problems when compared to inmates with no prior prison experience; while other studies have suggested that recidivists were found to have higher misconduct rates for all age groups. In the

present study recidivists appeared to commit higher mean numbers of incidents and misconducts.

The hypothesis that the recidivist/first offender status of an inmate would be related to the reporting of incidents and misconducts and the punishments given was proven in that it appeared that recidivists were more likely to be reported for both incidents and misconducts and so as a result were more frequently punished; although there was a greater difference between the two groups' mean numbers of incidents than there was between their mean numbers of misconducts.

Suggested explanations for the higher incident and misconduct rates for recidivists have been that the recidivists may have been labelled previously as trouble-makers; and possibly their attitude towards the officers could be more confrontational as they are more comfortable in the prison environment due to their past experience. The relationship between incarceration experience and offences was not what the researcher had originally expected: it was felt that first offenders would have been written up for higher mean numbers of incidents and misconducts than the recidivists due to their lack of experience of both the rules and regulations of the prison as well as their reaction to the new environment.

However, a larger number of information incidents were written on first offenders than on the recidivists (see Table 45 Appendix G), which would seem to suggest that the new inmates may have been experiencing difficulties with the new environment and rules and regulations (although when the mean numbers were compared slightly higher means were reported for recidivists). This claim is also supported by the finding that first offenders had a greater proportion of the mean number of Prohibited Possessions Minor incidents written on them than the recidivists. New inmates have a greater chance of committing these offences as they are unfamiliar with the rules and regulations and in some cases do not realise a rule exists, particularly minor rules. Such incidents could be avoided if more extensive orientation programmes were in place and this will be discussed later.

With reference to the problem for new inmates of unfamiliarity with the prison rules a positive finding in the penalty data was that the first offenders were convicted and cautioned more frequently than the recidivists; this is positive because the higher number of penalties in this category could be due to the first offenders' unfamiliarity with the rules, which management is acknowledging by giving them a warning rather than heavily penalising them (although it could be suggested that some of the infractions should not have been taken to a charge in the first place, and possibly a warning would have been sufficient).

Recidivists were reported for a higher mean number of incidents but only a slightly higher mean number of misconducts, and this could be explained by the suggestion put forward by Johnson that recidivists avoid (or successfully evade detection of) infractions most likely to stimulate stern official reaction. This is supported by the finding that recidivists were reported for a lower number of misconducts in the Prohibited Possessions Major category, a category in the author's opinion which is very likely to stimulate official reaction.

#### **14.1.4 Type of Offence for Which Imprisoned**

As with the other factors there are mixed results in the literature regarding the offence for which imprisoned and the committal of rule violations. Some researchers claim that violent or "serious" offenders display significantly higher misconduct rates (Goetting & Howsen, 1986). This finding was supported by the results of this study and so the hypothesis that the present crime for which the prisoner was incarcerated would be related to the reporting of incidents and misconducts was proven. It should be noted, however, that violent offenders made up the largest proportion of the inmate population, which is consistent with C.W.P being the only female maximum security institution in New Zealand. The second part of the hypothesis related to the punishment of offences was not found to be proven satisfactorily.

Violent offenders were reported for the highest mean number of incidents and for a slightly higher mean number of misconducts. Because the violent offenders were written up for a much larger number and mean number of incidents than any of the other offence type groups, this could indicate that the violent offenders were picked up for more trivial violations than other inmates but due to this trivial nature the incidents were not taken any further. An exception to this rule is the case of the Inmate - Officer Interactions, which as previously discussed seem to be more likely to result in official reaction. In all the other categories of incidents and misconducts the number of misconducts for property and violent offenders were similar even though there were a higher number of reports at the initial incident report stage for the members of the violent offence group.

To extend on the idea introduced in the previous paragraph: although the violent and property offenders were reported for a similar number of Inmate - Officer Interaction incidents the violent offenders were charged with a greater number of misconducts in the same category (see Tables 48 & 49 Appendix G). The violent offenders were also initially reported for a lower mean number of incidents in this category than the property offenders, they were however reported for a higher mean number of misconducts. This could suggest that the violent offenders committed more serious offences in this category and as a consequence were written up more; an alternative explanation could be that the officers

were influenced by the offence the inmates were imprisoned for and therefore viewed the violations as more serious or in a harsher way than those infractions by property offenders.

Traffic offenders were reported for the highest mean numbers of incidents and misconducts in the Interaction with Prison Environment category (included in this group is disruptive behaviour which could be viewed as a result of problems with a new and alien environment) and the highest mean number of incidents in the Prohibited Possessions Minor group. It is suggested by this author that inmates imprisoned for traffic offences were often first offenders and so a type of cross-over effect has occurred, this claim is supported by the finding that traffic offenders were more likely than other groups to be written up on charges relating to adjustment to prison and familiarity with the prison rules.

The penalties imposed on the two main offence groups - violent and property - were similar in their severity. Postponement of eligibility for release, cell confinement and loss of privileges were imposed a similar amount of times on each of the two groups. The major difference in the punishments imposed for misconducts was in the convicted and cautioned category where the majority of these penalties were awarded to inmates incarcerated for violent offences. This could suggest that these inmates were charged with more trivial offences and this was recognised when it was time for a penalty to be imposed; an alternative explanation could be that a cross-over effect occurred with a number of the violent offenders being first offenders and thus being given a warning rather than a punishment.

#### **14.1.5 Length of Sentence**

Over half of the inmates at C.W.P were serving sentences of six months to under two years and were reported more often for both incidents and misconducts than the other sentence-length groups. The range in the means of the incidents and misconducts was large because the group numbers were small, this in turn arose from the use of nine categories. The categories were not combined because the researcher felt that the breakdown of the groups was important and of interest to the readers. The high range in the mean number of incidents and misconducts and the small numbers in some of the sentence length groups mean that the results are difficult to draw conclusions from, and the groups might have been better combined into bigger sentence length groups, for example, "under two years", "two to under five years", "five to under seven years", and "over seven years". Even so the numbers in each of the categories would still be vastly different.

It is felt by the researcher that the hypothesis that the length of sentence of an inmate would be related to the reporting of offences and the punishments given was not proven satisfactorily. Because the majority of the inmates were serving sentences of under two

years and also because a lot of the sentence length group population sizes were small the mean numbers reported for the various groups did not show an obvious trend in any direction.

Those inmates who were serving sentences of under five years (88% of the total inmate population) committed 81% of the reported incidents and 89% of the reported misconducts. The findings in this study were consistent with those found in other studies in that the infraction rates of the life-term inmates were lower than those inmates serving shorter sentences (under five years). Inmates sentenced to life imprisonment were reported for lower mean numbers of incidents and misconducts than the majority of the other sentence length groups.

Flanagan (1980) found that long-term inmates felt that short-term inmates have little to lose as a result of misconduct and that thus they treat any exchange between inmate and officer as a confrontation. Flanagan suggests that instead of pitting themselves against officers, long-term inmates have learned to circumvent potentially “sensitive” situations. In the present study inmates who were serving sentences of six months to under one year committed the highest proportion of misconducts for Inmate - Officer Interactions and inmates sentenced to 2 - under 3 years committed quite high means for both the reported incidents and misconducts in this category, which was in accordance with Flanagan’s findings; although in opposition the four inmates in the 7 - under 10 years and 10 years & over were found to have been reported for the highest means in this group.

As the highest proportion of inmates were serving sentences of six months to under one year this group committed the highest numbers of reported incidents and misconducts and as a result the proportion of penalties given in each of the punishment categories was highest for this group (see Table 53 Appendix G). The penalties imposed on the sentence length groups did however vary with quite large ranges in the means. In the majority of the penalties the highest mean numbers were imposed on inmates sentenced to under five years, with the exception of the one inmate in the 10 years and over group who was reported for the highest mean of cell confinement penalties. Interestingly inmates sentenced to over five years were punished with higher mean numbers of convicted and cautioned penalties compared to inmates serving under five years, although this could have resulted from the numbers in these groups being low.

An area that would have been interesting to study was what stage of their sentence the inmates were at and if this affected the committal of infractions, particularly with reference to an inmate’s adjustment. Wheeler (1961, cited by Flanagan, 1980) proposed that the middle stages of a sentence - the period during which the inmate is farthest removed from extra-prison influences and most susceptible to the influence of fellow inmates - is



characterised by the lowest degree of conformity to staff values. Flanagan (1980) found in his study that the pattern of infraction behaviour for short-term inmates (sentence lengths of less than five years) supported Wheeler's theory and model of adjustment but the pattern for long-term inmates did not.

#### **14.1.6 Conclusion/Summary of Data**

It would seem reasonable to conclude that if you were a Maori inmate aged between 20 and 34, had been previously incarcerated and were imprisoned for a violent offence at C.W.P during the ten month study period of February 1 1993 and December 1 1993 you were more likely than other inmates to have been written up on both incident and misconduct charges and as a result were punished more frequently.

#### **14.1.7 Frequent Trouble-Makers**

For case studies of inmates who were reported frequently for rule violations see Appendix I.

In every prison, it is claimed by Ramirez (1983) in his study of the apprehension of inmate misconduct, there is a small group of habitual trouble-makers who account for a disproportionately large amount of misconduct; this was also the case at C.W.P. The women who were frequent trouble-makers at C.W.P made up a very diverse group, ranging in age from 18 to 46. They were all either Pakeha or Maori and were serving sentences ranging from six months to fifteen years and seven months. The offences they were imprisoned for were also varied, with violent, property, traffic, and miscellaneous offences having been committed.

There were no obvious trends or similarities in the characteristics of this group of inmates; it was noticed however that the Pakeha inmates in this group of frequent trouble-makers were reported for the largest number of incidents and misconducts. Ramirez (1983), in contrast, found that it was the black inmates in his study of an American prison who tended to be progressively over-represented within this multiple misconduct category, whereas white inmates were under-represented, and this contributed to the significantly disproportionate number of misconducts written on blacks. It should be noted that the Pakeha women in this frequent infractors group would have inflated (increased) the total numbers and mean numbers of the reported incidents and misconducts in this study for their ethnic group.

Although no obvious similarities were found in the group of frequent infractors from the characteristics studied in this research, it is possible that trends and similarities would have

occurred with other variables that were not investigated. Variables which may have shown trends and which would have been interesting to study include referrals to psychiatric services or drug and alcohol addictions. Flanagan (1983) examined the factors associated with differential levels of involvement in rule violations, and included in the variables found to be significantly related to high rates of infractions was history of drug use. In addition Toch and Adams (1986) found that there was a positive relationship between mental illness and involvement in disruptive behaviour.

Another explanation for some inmates being reported more frequently than others is suggested by Poole and Regoli (1980) from a labelling and stereotyping theoretical stance: certain inmates may be seen to belong to a particular group or have a reputation previously of being trouble-makers, the inmates are therefore labelled as such and from then on are more likely to be scrutinised by the officers, and as a result are more likely to be observed committing rule infractions, which as a consequence reinforces the prior stereotypic expectations. If these inmates perceive they are being differentially treated they may in turn react more defiantly or with greater hostility than other inmates.

#### **14.2 AIM TWO: TYPES OF INCIDENTS AND MISCONDUCTS REPORTED AT C.W.P.**

The two most frequently reported incidents were those involving Inmate - Inmate Interactions and Information. The Inmate - Inmate Interactions covered a fairly diverse range of behaviour, ranging from physical and verbal assaults to reports of relationships between inmates. The reports of the relationship incidents were quite frequent and often seemingly trivial in that they often involved an inmate in another inmate's cell (being in another inmate's cell, or allowing another inmate in her cell). The author suggests that possibly the officers' personal morals and values were entering the working environment in these cases. There is no legislation forbidding relationships as such but these incidents were usually reported as misconducts by using the offence "offending against good order and discipline".

Information incidents, as noted in Appendix F, cover a wide variety of acts. Often they are used purely to inform other officers of incidents that have occurred involving the inmate, tension in a wing involving the inmate, or medical or family matters. Often the officer would refer to how the inmate was settling in, or coping with her sentence. The inmate's adjustment often seemed to be monitored through these reports.

The most frequently reported misconducts over the ten month study period were those involving Inmate - Officer Interactions: this finding supports Johnson's claim that those violations which challenge the control of the administration or officers such as disobeying

an order or arguing with an officer are more likely to stimulate official reaction than other offences. In these situations the officer must interpret the prisoners' actions and decide if they are violating a rule or not; and as such the decision is a very subjective one. Examples of offences in this category are in Appendix F.

These offences were also punished the most severely in that a large proportion of the cell confinement penalties were imposed on inmates who committed offences in this category. It was interesting to note that none of the charges involving Inmate - Officer Interactions were dismissed. It was also noted that the number of incidents and misconducts reported in this group were equal. However, this did not mean that every incident reported in this group was automatically written up as a misconduct because there are some differences when the characteristics of the inmates who committed the offences are studied.

The second most frequently reported offences were those which involved Interactions with the Prison Environment. This could be said to support Johnson's other claim that misconducts are a reflection of an inmate's maladjustment. Interaction with the Environment misconducts were generally to do with some minor institutional rule or regulation, disruptive behaviour or damage to the institution (for specific examples see Appendix F). An inmate's coping skills in getting used to the new environment were not helped by the lack of clarity in the definition of the rules and regulations. A manifestation of inmate maladjustment, due to this lack of understanding, can be seen in the disruptive behaviour and damage to the institution. Most of these offences were punished by the inmate losing her privileges, although a number of them were dealt with by a caution only and in some cases the charge was dismissed.

### **14.3 AIM THREE: THE REPORTING OF MINOR ("TRIVIAL") OFFENCES AT C.W.P.**

Many researchers such as Mandaraka-Sheppard (1986) have expressed concern at the types of institutional misconduct reported in women's prisons. Areas she identifies as problems are the triviality of some of the behaviour recorded as offences against prison discipline and the vagueness of many of the rules. Dobash, Dobash and Gutteridge (1986) also claim that women are put on report for actions which would be tolerated in men's prisons.

It can be argued that the least serious and, as a consequence, the most trivial of the offences of the categories used in the present study was that of Prohibited Possessions Minor. This category involved borrowing and lending of articles as well as offences violating the rule "having an article in her cell without the approval of an officer" (for examples see Appendix F). Interestingly, there was an increase from the numbers of incidents reported in this category to the number of misconducts; this was unusual as in

every other group the number of reports decreased from incidents to misconducts, by quite a noticeable degree in some cases (an exception to this claim was the Inmate - Officer Interactions where the number of reports remained the same). To clarify the difference between an incident and misconduct report: incident reports do not formally accuse or charge an inmate and are often written as an information source in reference to an inmate, a rule violation can be written up on an incident report before it is noted formally as a charge on a misconduct report; misconduct reports formally accuse inmates of violating institutional rules, not only do they note the act involved but they also record the penalty given for the offence at the charge hearing. It would seem from the findings that a large number of the cases in the Prohibited Possessions Minor group bypassed the incident report stage and were written up directly as charges (misconducts). This is seen by the researcher as evidence for the claim that a number of “trivial” offences are reported in prisons (in particular women’s prisons).

As mentioned above the charges in the Prohibited Possessions Minor category were generally quite petty such as having another inmate’s clothing in her cell or lending a radio to another inmate. The author suggests that in a number of these cases the item concerned could be returned to the owner and if necessary a warning given or a clarification of the rules. Most of these offences were punished by the inmate having her privileges removed, and in a few cases the inmate was confined to her cell, which, in the author’s opinion, is quite a harsh punishment for what often appeared to be a minor offence.

Other misconducts were noted by the author during the process of coding the data as minor, such violations involved an inmate being in another inmate’s cell, or not being ready at unlock. The latter of these offences could be considered quite serious but the author suggests that it could often have been dealt with by a warning before the inmate was charged.

#### **14.4 SUMMARY: THE STUDY OF INMATE BEHAVIOUR**

The findings discussed in this chapter indicate that the study of inmate behaviour needs to be approached from many perspectives, taking into consideration as many variables as possible. The first factors that need to be taken into consideration are the inmates’ and officers’ personal characteristics such as age, ethnicity, family, economic and social background, as well as an inmate’s and an officer’s experience of the prison environment. The second group of factors which influence an inmate’s behaviour are institutional. Such institutional variables include environment, administration, management, selection and training of officers and the emphasis these variables place on the fair and equitable treatment of inmates as individuals and groups. The third factor is the extent to which the legislation involving the definitions of offences is clear and unambiguous.

# CHAPTER 15

## IMPLICATIONS OF THE FINDINGS

The findings indicate that certain areas could be addressed in the offence and prison area. Such areas include the current legislation in place defining offences; the selection and specifically the training of officers in the rules, procedures and regulations areas; and, in order to aid the adjustment of the new inmate to the prison environment, it is suggested that the present orientation programmes (although practically non-existent) be reviewed.

### **15.1 DISCIPLINARY OFFENCES IN NEW ZEALAND: PROBLEMS WITH THE LEGISLATION AND ITS APPLICABILITY TODAY**

#### **15.1.1 Inconsistency in the Application of the Rules and the Consequences of Ambiguously Defined Rules**

The presence of a misconduct report indicates not only an inmate's behaviour, but the officer's choice as to what constitutes an offence serious enough to report, and which inmates he chose to observe and report (Poole & Regoli, 1980).

Logan (1993) advocates, as the author does, that consistency will be best achieved by the officers having a clear understanding of what the purpose of the rules are. Logan expressed concern at the training provided to operational staff and line management on judicial matters which concentrate on administration of various acts, regulations and orders, but which do not contain detailed procedures on all aspects of inmate discipline. In addition, says Logan (1993), delegated powers of the general manager are not dependent on his/her qualifications to exercise that power and these powers are often delegated further to the custody managers (and in some cases the unit managers).

The consequences of unclear guidelines regarding rules, procedures and regulations are potentially dangerous in that they allow for interpretation that might not be in accordance with departmental policy: for example, Logan (1993) in his inquiry into management practices at Mangaroa Prison heard of illicit punishments applied to inmates. Logan claimed that such illicit and unauthorised punishments were "a product of: tradition, attitude, ignorance and tolerance of it by some within management" (1993, p. 61).

Over the last few years disciplinary procedures have been set out in Prison Instructions and General Orders. This manual was the standard reference for each prison, but it was found

by an independent review <sup>8</sup> in 1993 that there was great deal of latitude in the way it was interpreted. Latitude in the interpretation of the instructions and orders varied within the prison according to each officer; as it also varied across the prisons depending on the standards of the respective custody managers.

The review found that inmates who moved from one wing to another, or from one prison to another, or who talked to other inmates, noticed differences in the way in which rules were applied and in disciplinary actions which followed from a breach. These variations created inconsistencies which increased tension between inmates and staff. These inconsistencies resulted in the unfair application of rules and at worst the singling out of individuals. Inmates, not surprisingly, resented being charged for rule breaches which arose from behaviour which was acceptable in other parts of the same prison or in the prison the inmate had just come from. Interestingly, the review found that the inmates also objected to being charged for language offences when officers often used worse language in everyday conversation to inmates.

The review believes that one of the reasons these inconsistencies arose was that different institutions had different resource constraints, an example of this was where those prisons which had additional staff, or which were designed in a certain way, were able to allow certain latitudes without the risks this would entail elsewhere. Similarly, officers had different skills and different levels of tolerance and managed risk according to personal judgement.

This review recommended that guidelines be provided on the administration of orders and regulations concerning permissible latitudes in rules and discipline, while balancing a need to maintain a high degree of consistency. They also suggested that staff be required to provide inmates with satisfactory explanations when apparent inconsistencies are questioned.

If officers do not consistently apply the rules this can lead not only to disgruntled inmates but also to abuse of the system and discrimination in the application of the rules. The initial responsibility for the fair application of rules lies with the officer, although the selection and training process must also be held accountable in that the proper training programmes have to be in place so that an officer is able to understand the rules, the reasoning for them and the correct process of reporting the violations. The legislation involving the rules and offences must also be clear in its definition of what constitutes an offence and what does not, as well as giving the officer easily understandable guidelines.

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<sup>8</sup> The independent review referred to here was a confidential report and cannot be referenced properly as it was lent to the author by the Justice Department on the condition that it would not be quoted directly or referenced. However, permission was given for the findings to be discussed generally in the appropriate context.

### 15.1.2 The Legislation in 1993

(For the definitions of offences by inmates in New Zealand prisons see Appendix A)

It would seem reasonable to suggest that the institution rules as set out in the Penal Institutions Act are outdated. Many recommendations for changes have been made to the Justice Department with regard to the list of offences as stated in the Act; such suggestions have been put forward by Roper (1989), a Departmental Submission (1988), and reviews and working parties.

The Justice Department in their 1988 submission to the Ministerial Committee of Inquiry claimed that disciplinary procedures were an essential feature of penal administration. They said the maintenance of good order could not realistically be achieved without the enforcement of strict rules about the conduct of inmates. They acknowledged however that:

The existing system has now been in place, without significant change, for three decades. Administrative law in the 1980s reflects a much greater emphasis on the rules of natural justice than was the case 30 years ago. The department accepts that the imposition of penal sanctions must be seen to be demonstrably fair. While the present system generally has served prisons well, it is now appropriate that existing procedures be closely studied with a view to improvement (Department of Justice, 1988, p. 362).

Although the department believed, in 1988, that some of the provisions in the list of disciplinary offences “are clearly archaic and others lack certainty and precision” and that “there is considerable scope for revision of section 32” (1988, p.362), and although the New Zealand Committee of Inquiry (to be referred to as the “Roper Report or Committee”) found this to be a valid statement, by the end of 1994 no changes had yet been made to the “archaic” and outdated rules.

The Roper Report (1989) claimed that figures given of disciplinary charges heard in New Zealand prisons proved that too free use was made of them for minor offences. There is further support for this statement in the Justice Department’s Census of Prison Inmates which records:

The extremely high number of internal charges against inmates during their current sentences may reflect the way institutional rules and regulations are used by staff to control prisoners’ behaviour. The details of charges were not systematically analysed for this study, but it was noted that some of the charges

brought against inmates were for what can only be described as exceptionally minor misdemeanours (for example, ‘having an extra pair of socks in his cell, without the permission of an officer’) (Braybook & O’Neil, 1988, p. 215).

The Roper Committee claimed that such charges as the above and similar ones they were informed of make a “farce of the procedure and amount to little more than harassment” (1989, p. 215). They suggest that there may be cases where the matter could be resolved by allowing an inmate to remedy a breach without the necessity for a formal charge, which does little more than “waste the time of a busy Superintendent and leave the inmate with a justifiable sense of grievance” (1989, p. 215).

A Department Submission (1988) concluded that there was (is) a need to replace the present offence legislation. It suggests the removal of outdated provisions, the narrowing of others, and a greater degree of specificity.

### **15.1.3 The Relevance of the Rules Today**

The list of disciplinary offences is drafted in very broad terms (for definitions of offences under the Act see Appendix A). A number of the offences in the act are outdated and in need of revision (see Appendix A for the full list of the Roper Committee’s recommendations for changes in this area).

The following sections cover some of the legislation that have been identified by groups as needing to be amended or repealed and the recommendations for changes by these various parties.

#### **32(1)(c)**

An example of a clearly out of date offence in the 1954 Act is subsection (1)(c) which states that it is an offence to use or write any abusive, insolent, insulting, threatening, profane, indecent or obscene words. This provision is very broad and seems out dated nowadays when swearing seems to have become a common, if not acceptable, part of society. Many of the words that come under this subsection are no longer regarded by the community as being sufficiently offensive to merit punishment (Department of Justice, 1988). The departmental submission argued that “unless language is particularly abusive or threatening it should not be subject to a disciplinary charge. Society has changed, as has the interpretation of this subsection by prison staff” (p. 363, 1988).

The Roper Committee recommended that section 32(1)(c) be repealed because “it is very wide and covers a range of language which is no longer regarded as unacceptable in the



community” (1989, p. 217). They point out that section 32(1)(d) (“behaves in an offensive, threatening, insolent, insulting, disorderly, or indecent manner”) is still available in the appropriate case. They do suggest changes to this section as well; and they feel it should be amended to limit the offence to behaving in a “threatening, abusive or offensive” manner.

### **32(1)(e)**

The Roper Committee recommended that subsection 32(1)(e), which makes it an offence for any inmate who “without authority, communicates with any person, not being an inmate or an officer or any other person lawfully in the institution”, be repealed as an anachronism. A departmental working party also found this provision inappropriate in the modern prison environment where contact with the wider community is actively encouraged in many ways.

### **32(2)(g)**

Another offence under criticism by both the Departmental Submission (1988) and the Roper Committee (1989) is that dealing with self injurious behaviour. Both suggest that an inmate who wilfully wounds herself needs medical attention as opposed to punishment.

## **15.1.4 The Wide Scope for Discretionary Decision-Making**

The Departmental Submission (1988) acknowledged that some disciplinary offences may have outlived their usefulness altogether. They say that included in these are the offences of mutiny and committing a nuisance. Section 32(1)(i) provides for the punishment of an inmate who “commits any nuisance” and is clearly useless in that it is so broad that it could cover any behaviour by an inmate felt to be punishable.

“Offending against good order and discipline” subsection 32(1)(l) is also seen as vague and not clearly defined enough for an inmate to measure her conduct. It is hard for an inmate to know what conduct might offend and almost any act could potentially be included. A Department working party also agreed that this offence afforded too much latitude for the laying of a charge and recommended that it be repealed. It was considered that most situations could be met with a charge under subsection 32(1)(a) (disobeying a lawful order, etc.).

## **15.1.5 Complaints**

The Departmental Submission suggests that the making of complaints by inmates may give rise to charges under sections 32(1)(h), 32(2)(c) and 32(2)(d). They warn that due to the

width of these provisions there is a danger that inmates may decide not to make reasonable complaints for fear of being charged. For example, section 32(1)(h) makes it an offence to make repeatedly groundless or frivolous complaints. The Roper Committee recommended that this paragraph be amended by adding “having been twice warned of the consequences if he continues to make groundless or frivolous complaints” (p. 217).

### **32(2)(c)**

It is also an offence under section 32(2)(c) to make false and malicious allegations against any officer, or any other inmate, or any person lawfully in the institution. This seems an important subsection to change and has also been the subject of comment by the Ombudsman, the 1981 Penal Policy Review Committee, the Roper Committee, and the 1988 Departmental Submission. The recommendations for this section include the following amendment:

Every inmate commits an offence against discipline who, in any written or verbal statement, being contrary to the fact and without a genuine belief in the truth of the statement, makes an allegation against any officer, or any other inmate or any other person lawfully in the institution.

### **32(2)(d)**

Section 32(2)(d) provides for the punishment of an inmate who, without the permission of the Superintendent (General Manager), combines with other inmates for the purpose of obtaining any alteration in conditions in the institution or of making a complaint. The Roper Committee recommended that the paragraph be repealed and replaced with “Combines with other inmates for a purpose which is likely to endanger the security or good order of the institution” (1989, p. 218).

The Departmental Submission (1988) notes that the primary consideration for legislative change in this area should be that inmates who wish to make genuine complaints are fully protected.

## **15.1.6 The Addition of the Word “Wilful”**

The Roper Committee believes that in a number of the provisions the word “wilful”, if it were added, would be enough to define an offence more clearly. The provisions they recommend this be limited to are section 32(1)(b) in relation to mismanagement of work, and section 32(2)(a) in relation to obstruction of an officer in the execution of his duty.

The Roper Committee recommend that “wilful” should be added to section 32(1)(a) in relation to the failure to comply with a regulation, rule or an order of an officer. This would be an important change for new inmates who may not be aware of the existence of a rule or regulation. It was noted that regulations and rules are presented in written form in English which can pose problems for those who use other languages or have poor reading skills. The Roper Committee also noted that this provision poses problems for inmates transferred from one institution to another who are uncertain about the regulations or rules at their new institution.

#### **15.1.7 Latitude in the Legislation for the Reporting of Trivial Offences**

It has noted by the Roper Committee (1989) and by Braybook and O’Neil (1988) that a number of the offences recorded were often trivial in nature and concern was expressed at the too free use of disciplinary charges for minor offences. It would seem that the legislation allows for this latitude in the reporting of offences as was identified by Roper (1989).

#### **32(1)(g)**

This section defines as an offence the situation where an inmate “without the approval of an officer, has any article in his (or her) cell or in his (or her) possession, or gives to or receives from any person any article, or attempts to obtain any article.” The Roper Committee recommended that the scope of this provision be narrowed by adding the clause “likely to cause a breach of security or a danger to the institution or any person” (1989. p. 217). This would seem a reasonable recommendation to be made, with a large number of the offences reported at C.W.P. coming under this section, as previously discussed, and the majority of the time involving such minor items as another inmate’s clothes.

#### **15.1.8 Offences Under Section 32(2)**

It is noted that the Roper Committee made no recommendations concerning a number of subsections in section 32(2). These subsections refer to behaviours which should remain offences, such as assaulting other inmates or prison staff, destroying institution property and escaping.

This second category of offences against discipline in section 32 often involve behaviours which constitute an offence under criminal law. Examples of these offences are given above. These offences are heard by a Visiting Justice and carry more severe penalties (see Appendices A & B). This two tier system involves those charges heard by the Superintendent and those heard by the Visiting Justice. Both the Department Submission

(1988), the Roper Committee (1989), and a Department working party (1990) <sup>9</sup> recommended the combination of the two categories into a single category of offences.

### **15.1.9 Summary**

The general trend in the recommendations for changes seems to be that the legislation involving offences by inmates needs to be updated as well as clarified and defined more specifically, this will in turn aid the officers in the consistent application of the rules and the inmates in avoiding violations.

### **15.1.10 Hearings**

Hearings of offences by inmates are heard by either the General Manager (offences under subsection 32(1)), who can delegate to Senior Officers, or the Visiting Justice (offences under subsection 32(2)).

(For a more detailed discussion of the 1993 hearing procedure see Appendix A).

The Roper Committee recommended the appointment of a senior officer as a Disciplinary Officer who would hear all disciplinary charges whether they are under subsection (1) or (2) of section 32. They warn that this role would be a responsible one and would require “great care in his or her selection, appropriate training and bicultural awareness” (1989, p. 220).

A Department Working Party (1990), in contrast, suggested that the responsibility for hearing charges should rest with the General Manager, although in practice it would normally be delegated to the Custody Manager. The prison officials hearing disciplinary charges would have the authority to refer certain cases to Visiting Justices for adjudication.

Logan (1993) notes that hearings in prison are not open to public scrutiny, and although it is practical to use General Managers as adjudicators, they will always be open to criticism on partiality. Logan believes that there needs to be an auditable trail of charges, hearings, and administration of any punishment which should be open to examination by the Inspectorate.

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<sup>9</sup> The Departmental working party report was a report lent to the researcher by the Justice Department and although it does not contain particularly sensitive information it was asked that it remain unreferenced due to its confidential nature.

### **15.1.11 Legal Aid**

The present law makes no provision for an inmate to have legal representation at a disciplinary hearing. A visit from the inmate's lawyer is not allowable when made with reference to any disciplinary matter in the institution (regulation 115(2)). The Departmental Submission (1988) recommended that regulation 115 be repealed. This was supported by the Roper Committee who agreed that the restrictions on legal advice set out in Penal Institutions Regulation 115(2) should be repealed but also recommended that the discretion to allow legal representation should only be available at the appeal level. The author suggests that there should be a provision in the legislation allowing an inmate to have legal representation at any disciplinary hearing before a Visiting Justice, not just appeals as recommended by the Roper Committee.

The Roper Committee also recommended that at hearings before the Disciplinary Officer or the Prison Appeal Authority the inmate should, at his or her request, have the support of "a friend". They suggest that this friend would provide moral support and help to the inmate but not act as a counsel.

### **15.1.12 Appeals**

At present there is no right of appeal for the decisions referred initially to the Visiting Justice. As long as the Visiting Justice has acted within jurisdiction no appeal will be heard. The Departmental Submission (1988) points out the discrepancy in the right of appeal being permitted for minor offences heard by the General Manager but not for those more serious offences heard by the Visiting Justice. The Roper Committee recommended the appointment to each institution of two independent Prison Appeal Authorities so that one will always be available when required.

### **15.1.13 The Punishment of Offences**

For the definitions of the punishments for offences see Appendix B.

The Roper Committee suggested in their 1989 report that the informal resolution of a disciplinary offence should be encouraged and claim that this recommendation was reinforced by the thousands of minor disciplinary offences which they felt occupied time which could be better spent. They suggest that the more interaction there is between staff and inmates at an informal level rather than formal level of the disciplinary system, the more chance there is that good order will be maintained (1989, p. 219).

The Roper Committee recommended the adoption of the following guidelines which follow closely those applied in British Colombia:

Where an officer has reasonable grounds to believe that an inmate has committed or is committing a disciplinary offence, the officer shall, where circumstances allow:

- stop the commission of the offence, explain to the inmate the nature of the breach, and require the inmate to remedy it where possible;
- where a person aggrieved by the alleged breach consents, allow the inmate to correct the breach where possible and make amends to the person aggrieved; and
- if it is a case where informal resolution is inappropriate or unsuccessful, disciplinary action is to be taken (1989, p. 220).

The author suggests that care would have to be taken in the implementation of such a diversion system, in that biases in favour of certain groups could occur here as well; some groups might be treated in an informal way while others could be charged through the formal system for the same offence, the same focus on consistency in the application of the rules and punishments would have to be emphasised and appropriate systems would need to be in place.

#### **15.1.14 The Penalties**

In New Zealand the remission of early release involves adding days to the inmate's sentence, that is, adding to her half or two-thirds release date. This is not seen as a very effective punishment as there is no immediate outcome, and the release dates for an inmate are often too far away for this punishment to be of any use, especially if an inmate is serving a long sentence. Sanctions such as cell confinement, which have more immediate effects, would seem to be more effective in acting as a deterrent.

The Departmental Submission recommended that cell confinement be limited to a maximum of seven days in the case of a Visiting Justice and three days by a General Manager (Superintendent); the Roper Committee suggested that cell confinement be limited to a maximum of five days. The Roper Committee felt that cell confinement was the most severe disciplinary measure available in the penal system; the author agrees with this and suggests that prison administration needs to be very aware of the conditions and basic standards of treatment for inmates undergoing confinement.

## **SELECTION AND TRAINING OF OFFICERS AND ORIENTATION PROGRAMMES FOR INMATES**

When reviewing the literature and discussing the results of this study the explanations for the differences in the committal of offences have consistently referred to inmates' adjustment to the prison environment and officer discretion in decision-making. The following sections will cover ways of reducing the influence these factors have on an inmate committing offences, or being reported for them.

### **15.2 SELECTION AND TRAINING OF PRISON OFFICERS**

In order for an officer to apply rules successfully and to follow the correct regulations he or she must initially have been trained in such a way as to allow for the correct and unbiased implementation of such procedures. The recruitment, selection and training procedures for officers are reviewed and discussed with reference to their implications for the reporting of offences and disciplinary processes.

#### **15.2.1 Recruitment**

In his inquiry into Mangaroa, Logan (1993) claimed that the recruitment failures at Mangaroa reflected inadequacies at a national level; prison officers' competencies had not been identified and testing and interviewing were inadequate (Logan, 1993, p. 11). The procedures were changed in 1992 and an improved framework is now in place.

Logan outlined the problems he had with the recruitment process before November 1991: recruitment was the responsibility of the Superintendent (General Manager) of the prison and was often delegated to senior custodial staff. Recruits answered local advertisements, were tested by staff untrained in the procedures, and were selected by institutional senior management. The recruitment procedures at the time required applicants to sit a pair of mental ability tests, to pass an arithmetic test and to write an essay on one of two standard topics. On successful completion of these tests candidates were interviewed. There were also age, fitness, eyesight and height requirements. A recruit was required to be free of previous convictions but applicants' assurances in this regard were not checked. Although these procedures were established across the Service, there were no national standards in the sense that competencies were clearly specified and tested.

The Departmental Submission in 1988 - *Prisons in Change* also claimed that the above system was inadequate in terms of its lack of consistent standards and relevant assessment procedures. Logan (1993) states that the recruitment of staff pre November 1991 was a "hit

and miss" affair. He claims it was open to abuse and to the employment of individuals totally unsuited to the role.

*Prisons in Change* recommended the replacement of the then-existing entry tests by "purpose designed relevant measures" and the provision of interview training skills. However, it continued to support local recruiting rather than a centrally based, national recruitment scheme.

The Penal Division, Department of Justice, has now totally changed its recruitment practices. A new national recruitment process was progressively introduced between November 1991 and late 1992 and gives a co-ordinating function to the division's head office. A new set of "Prison Officer Selection Tests" (POST) has been developed with the New Zealand Council for Educational Research. The changes include programmes whereby all applicants are processed initially by head office, then complete the standard entry tests which are periodically held at each institution. The tests are marked nationally using an independent marker. Those who pass are interviewed by a Regional Selection Board which applies behaviourally oriented "Targeted Selection" criteria designed to assess applicant's suitability for the role. Checks for convictions on the Wanganui Computer follow. After a possible screening interview at the institutional level, successful applicants are placed on file to await vacancies, and, finally, to undergo a medical examination.

### **15.2.2 Training**

The training situation at the time of the Departmental Submission (1988) was as follows: Once accepted, the recruit commenced work at the institution, where he or she underwent an induction course, and as soon as possible after that was sent on a preliminary officer course.

The induction course for new officers took place in the first two weeks of employment. The programme was supervised by the staff training officer, and included experience on various duties, discussions with senior staff and matters affecting the officer personally (e.g. pay, General Orders, leave); matters relating to the officer and the inmate (e.g. policy, report writing, characteristics of the institution); matters affecting them as officers of the institution (e.g. fire precautions, security, keys, institution procedures, duties of officers on particular posts); and practical work under the guidance of experienced officers. However, the Departmental Submission acknowledged that in practice the two week course was not always long enough to cover all aspects.



The basic preliminary officer training course was not changed much over the thirty years from 1969 to 1989. Each of the courses ran for four weeks. It was the subject of criticism by the Roper Commission among others. The Roper Committee believed that the prison officer training programmes and the staff involved in the training at the time of their report left a lot to be desired. Although a comprehensive analysis of training needs was undertaken in 1988, a substantial review of the course did not begin until 1990. Substantial revisions to the content of course material and to training methods were made by late 1991 and the course was extended by two weeks in June 1992. Logan (1993) says that the "College claims that the new six week course now meets exacting professional standards", and "staff must now pass the course to retain their positions".

Logan (1993) believes that the basic training provided to new staff appears brief compared to overseas penal or New Zealand police training, and because the role of the prison officer is changing, more attention needs to be paid to their training. His suggestions include: an extension of the basic course to eight weeks, or alternatively, a 2-3 week "follow-up" course targeted at recruits six or twelve months after PPOC completion.

One of the inadequacies of the present course Logan specifically points to is the Acts and Regulations Module. He says that the Acts and Regulations are not taught "holistically," for example, the teaching of inmate discipline and complaints does not draw on the relevant statutory provisions; neither is any attempt made to underline the rationale for many regulations. This might not have been necessary in the old environment but, says Logan, it is in the new.

During the write up of this study the author spoke to a Senior Officer, with experience in staff development, in reference to the Acts and Regulations Module in the officer training course. The training takes place during the six week basic course with an initial exam on the Acts and Regulations near the beginning. Throughout the six week course the Acts and Regulations are referred to in relation to various topics including inmate offences. At the end of the course the officer is required to sit another Acts and Regulations exam, which must be passed for the officer to graduate from the course. As the Senior Officer spoken to commented the officer is never required to look at the Acts and Regulations Manual again once they have finished the course, unless they charge an inmate. The officer should learn how to charge an inmate correctly and write an incident report during the six week course. When asked if any further training on the charging or recognising of offences was given to the officers once they returned to the institution, the Senior Officer said that supposedly they had been trained properly in these skills on the course. Once back in the prison the officer in the Control room will check the reports before they are typed.

The Penal Institutions General Orders in which the acts and regulations are stated was due to be phased out at the end of 1994 and replaced with a new “Policy and Procedures Manual” which was to come into affect on January 1 1995. This has not happened however because the manual has not been recognised by the courts as it has not been ratified or signed by the Governor General.

The Inquiry into practices at Mangaroa led by Logan was concerned that institutional staff and management did not appear to have been sufficiently trained in judicial principles or in such essential investigation techniques as documentation, presentation of evidence, administration of hearings and adjudication. This would seem to be applicable to staff in other prisons because the training of officers is carried out centrally at the one college.

Many of the skills taught on the courses would not be applied once the participants returned to their jobs, possibly because of the fact that once back at the workplace they are influenced by more experienced officers and even the views of Management. Some of these more experienced officers have their own way of doing things and pressure could be put on a new officer to follow suit. It has been observed by some officers that there were significant differences between Staff College training and the reality of prison life. This issue should be addressed and the training given on the courses attended should be assessed to see if it successfully transfers to the prison workplace.

### **15.2.3 On-Going Training and On The Job Training**

The Penal Division’s report *Training Issues* (1993, cited by Logan, 1993) said that budgetary constraints had prevented the introduction of mandatory on-going training. However, the service does provide some opportunities for on-going training. Staff can participate in several Justice Department programmes. Nationally administered “intermediate” and “senior” programmes are available. The courses are voluntary, but are required for some promotions. Even so, a concern of a number of senior officers reported in an independent review was the lack of continuing training which they saw as necessary to keep pace with the changing needs of the service.

An independent review noted that most prison officer training was said to take place on the job. Informal on the job training allowed inexperienced officers to learn from experienced officers with whom they worked. This can involve problems: if the senior officer is not selected carefully, there is a risk that the new officer will learn practices which are not endorsed by prison management.

*Training Issues* also referred to the above problem:

The influence of “contaminants,” ie those officers who cling to past cultures and practices and seek to impose their own norms on new staff trained to deliver against current policies can be reduced and eventually overridden completely if there is the opportunity to continuously challenge undesirable actions and attitudes from a basis of current, relevant and supported policy and practice. For this to happen, new staff especially must be exposed to continuous and mandatory training and development as part of their shift routine. This demands that time be set aside to do this, (as well as) an increased operational staffing level and operational standards that demonstrate that staff are involved in regular and ongoing training (1993, cited by Logan, 1993, p. 75).

On the job training would seem to be essential and inevitable but should be consistent from prison to prison. On the job training programmes should perhaps be compiled, co-ordinated and supported by the Staff College.

### **15.3 RELEVANCE TO THIS STUDY**

From the reading done the author could not find very much material on the training of officers with regard to the rules and regulations of the institution. A mention of this was made in *Prisons in Change* in the induction course and at the training college stages. The author feels this is an important area as consistency in the application of the rules needs to be assured so that inmates can understand what is required of them and act accordingly. If one officer lets some act go by and then another writes an inmate up for the same act the inmate receives contradictory messages. It is particularly important that there is consistency within the institution, as well as between institutions, in regard to the application of the rules. The offences must be clearly displayed and explained to the inmate on arrival. This is also relevant to the prison regulations, even if an inmate has been imprisoned previously, because the rules and regulations may be practised differently between institutions.

## 15.4 INMATES' ADJUSTMENT TO PRISON

Individual differences play a major role in an inmate's reaction to the prison environment. An inmate's adjustment to prison can be aided by having appropriate induction and orientation programmes in place. According to Johnson (1966), as previously discussed, the committal of offences is seen as a reflection of an inmate's maladjustment to the prison environment; it would seem then that a successful orientation programme would result in a decrease in the number of infractions committed.

### 15.4.1 Induction Practices (Orientation Programmes) for Inmates

Induction practices are related to aiding an inmate's adjustment to the new environment; and, if Johnson is to be believed, as a consequence reducing the amount of rule violations committed. Inmates with no previous experience of incarceration and young inmates seem to be particularly vulnerable to stress related reactions to the prison environment.

At this stage (late 1994) and at the time of the present study (1993) the only induction-type programme in place is(was) the presence of pamphlets which are given to inmates on admission to an institution, a pamphlet called "First Days" is given to sentenced inmates and remand inmates are given the pamphlet "Marking Time". The Roper Committee (1989) however, commented on how they saw the pamphlets but many inmates they spoke to had not and did not even know of their existence. The pamphlets, says Roper (1989), are very brief (eight pages for "First Days") and are probably all an inmate could cope with on first admission, but, he says, they are not particularly helpful.

Specifically, and with reference to the present study, the section in "First Days" which covers the prison rules is not very detailed, and goes as follows:

You'll be given instructions on what happens each day, explaining things like parades, lock and unlock times, searching, canteen, library, recreation and medical facilities.

Read the notice boards around the institution.

There is also a copy of Penal Institutions General Orders in the library which you can refer to. These are the rules set out by the Secretary of Justice which apply to all prisons.

You must obey all the rules and regulations of the institution. If you do not, you could be charged with a breach of discipline which will be heard before the Superintendent or a Visiting Justice. If you are dissatisfied with the Superintendent's findings or the penalty, you can appeal to the Visiting Justice (through the Superintendent).

The Roper Committee found that not all the libraries had copies of the General Orders, and the notice boards containing the provisions of the Penal Institutions Regulations 1961 were “quite hopeless” (Roper, 1989, p. 192). The notice boards are very large and covered in very small print which, the Roper Committee suggests, would deter the most conscientious and literate of inmates.

A note is made at the end of the “First Days” pamphlet saying “This leaflet is meant to help you over the first few days. For further information or for help with a problem, ask an officer, or the person you think may be able to help” (1982, p. 8); it would seem reasonable to suggest that an officer or “the person you think may be able to help” might not have the time or the knowledge themselves to answer inmate inquiries satisfactorily. The section relating to rules and regulations as well as the entire pamphlet would seem to be totally inadequate in meeting the requirements and needs of new inmates.

In a report made to the General Operations Manager in 1994 by Lucy Sandford (Advisory Officer) the issue of induction procedures was assessed. Sandford believes there are three types of information required/necessary for the inmate: reception information, orientation information and visitor information.

Sandford identified particular types of information that both remand and sentenced inmates needed at reception. The immediate issues related to: phone calls, visits, access to lawyers, what will happen in the next ? hours, classification and what it means, *prison routines*, *grievance procedures*, and *incident and misconduct reports* (Sandford, 1994, p.2).

Sandford acknowledged that “for many inmates the period of reception and for some time after, is a time of profound shock”. In this condition there is a limit to how much of the information given is actually “heard” and retained” (1994, p. 2). She believes that information needs to be presented clearly and concisely and consist of what is needed for the initial few days of imprisonment. It also needs to be repeated to ensure the inmate understands what is required of them.

In the literature review it was stated that a person will experience anxiety if she does not have appropriate “background of meanings” for a situation. Information on the new environment must be successfully conveyed if it is to lessen the inmate's anxiety. Although an inmate may not be in a receptive frame of mind to take in new information, it is important that the new inmate is told clearly and realises what is expected of her particularly in the area of routines, procedures and rules and, as an extension of this, incident and misconduct reports. It has been suggested that an easy way for an inmate to accumulate knowledge regarding the prison in the first days would be the use of a video. Sandford (1994) suggests that video information would need to be complemented by

written information, updated regularly and including institutionally specific versions. She suggests that any written information should be available in a variety of languages.

The second type of information that Sandford believed was needed by an inmate was what she termed “orientation” information. The information at this stage would relate to issues such as: rights, responsibilities, what inmates can expect, what is expected of them, what systems are in place for grievance redress, what systems are in place to deal with their wrong doings, prison routines, case management, programmes and services offered in prison, releases mechanisms, temporary releases (Sandford, 1994, p. 3).

Sandford believes that any written information regarding induction and orientation programmes needs to be easily read by the inmate population. The author also believes that if the literacy level of an inmate is low then the information must be fully explained to the inmate in a way that is clearly and easily understandable.

One of the issues raised by Sandford was the quality and quantity, at the present time, of information which varies from institution to institution and from staff member to staff member. If such programmes, as suggested above, were in place then differences and inconsistencies would not be as likely to occur.

## **15.5 PAROLE BOARD**

When discussing offences it is important to note not only the effect on inmates with regard to punishments but also the ramifications at later dates. The number of misconducts an inmate is reported for may affect his or her chances of parole. In America the inmate's disciplinary file is considered in custody level, cell, programme, and work assignments in many prisons. The institutional behaviour record is also available to the parole board for consideration in the release determination (Flanagan, 1983).

In New Zealand the disciplinary record of the inmate is taken into consideration when eligibility for parole is being assessed. Some would say it plays a large part in whether approval is given or not. From discussions with members of parole boards in New Zealand it would seem that the primary considerations with regard to offences are the types of misconducts (trivial or severe) that have been committed, the number, and when (that is, how recently) they took place.

The Department of Justice (1988) stated that a conviction for a serious disciplinary offence is likely to undermine the prospect of release on parole, and affect decisions about release on home leave and other special forms of leave.

Emshoff and Davidson (1987) suggest in their American study that those inmates in approaching their parole decision date were more likely to avoid disruptive behaviour, given its relevance to the decision. Goetting (1983) claims that to a large extent parole appears to be a reward for good institutional adjustment.

# CHAPTER 16

## CONCLUSIONS

### 16.1 APPLICABILITY OF THE RESULTS TO OTHER NEW ZEALAND INSTITUTIONS

The extent to which the results and findings of the present study can be generalised to other New Zealand prisons is unknown. Each institution is unique in its structure, operations, management, etc. These results are applicable for the time studied and can be seen as an indication of what was taking place at C.W.P. during the ten month study period. Differences may occur between institutions as well as within the prison. Numerous factors may influence changes over time, an example of this could be the change in the administration structure of C.W.P. during the write-up of this project.

### 16.2 SUMMARY

The findings in the present study indicate that a full understanding of prisoner misconduct from either a theoretical or a policy perspective requires consideration of all levels of variables as they relate to the subject. Inmate traits (both pre-institutional and institutional related), prison-level characteristics (which include staff and management), and extra-institutional factors all interact with one another to produce variation in prisoner misconduct (Goetting & Howsen, 1986).

The findings suggest to the author that a number of areas need to be addressed in New Zealand penal policy in relation to inmate offences. The legislation defining offences is outdated and in need of clarification and specification; the training of officers in the more consistent application of the rules is an area that could be focused on more specifically and this should be made easier if there are legislative changes in the definition of the offences. The orientation programmes in place for new inmates should also be assessed and improved as this will aid the inmate in her adjustment to the prison environment and, if the literature is to be believed, will lower the number of rule violations.

The author suggests that the Government looks to taking up a number of the recommendations made in the inmate offence area by the various working parties and departmental groups it has employed to make suggestions, as well as the recommendations put forward by independent reviews and inquiries such as the Roper Committee.



### **16.3 THE METHODOLOGY OF THE PRESENT STUDY**

The methodology used in the present study was effective in its achievement of the aims of the research. The use of means and frequencies was appropriate as the data was intended to be descriptive. Significance tests would have been valuable, but the numbers of incidents and misconducts did not make this feasible as it was felt the results of these tests would not have been an accurate reflection of the situation: once the incidents and misconducts were broken down into content groups and then analysed with an independent variable the resulting categories were often small and the cell sizes were either empty or low. The use, in future research, of larger sample sizes would allow the use of significance tests and this would add power to the findings.

### **16.4 SUGGESTED AREAS FOR FUTURE RESEARCH**

Basically any research into women and crime would be beneficial as there is a lack of it in all areas. Specifically, more research into female prisons and prisons in New Zealand generally is also needed so as to extend our knowledge of these institutions and to ensure inmates are treated justly and fairly in all aspects of prison life and to achieve the best conditions possible for both inmates and officers. More research into the infraction area is needed, as are studies on who commits or is reported for rule violations, what types of incidents and misconducts are committed and investigation into possible reasons why certain types of inmates commit infractions more frequently or are reported for them more often than others. An area which would be interesting to look at in conjunction with which inmates were committing violations would be the composition of the prison officer group: that is, their ethnic background as well as their gender. The ethnicity of the officers did not seem to have been researched in Britain or the United States because the author could not find any figures for the numbers/proportion of black prison officers in these countries. In addition, the author did not find any information on the numbers of Maori or Pacific Island prison officers in New Zealand prisons (the prison officer population was not explored in the present study due to the sensitive nature of the study and the fact it was the first such research undertaken in New Zealand). The gender ratio of the prison officers would also be another interesting area to study while investigating rule violations.

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## **APPENDIX A**

### **PROCEDURES INVOLVED IN INCIDENTS & MISCONDUCTS**

## **PROCEDURES INVOLVED IN INCIDENTS AND MISCONDUCTS**

### **CONTENTS**

Offences that lead to the reporting of a misconduct.

Roper committee recommendations for changes.

Misconduct & incident report format.

Entering a charge.

Inmates' preparation of his or her defence.

The hearing of charges.

### **OFFENCES THAT LEAD TO THE REPORTING OF A MISCONDUCT**

Offences by inmates are defined in the Penal Institutions Act 1954 Section 32. They are as follows:

(1) Every inmate commits an offence against discipline who -

(a) Disobeys any lawful order of an officer, or disobeys or fails to comply with any regulations made under this Act or any rule of the institution made under section 7 of this Act:

(b) Is idle, careless, or negligent at work, refuses to work, or wilfully mismanages his work:

(c) Uses or writes any abusive, insolent, insulting, threatening, profane, indecent, or obscene words:

(d) Behaves in an offensive, threatening, insolent, insulting, disorderly, or indecent manner:

(e) Without authority, communicates with any person not being an inmate or an officer, or any other person lawfully in the institution:

(f) Leaves his cell or place of work or other appointed place without permission:

(g) Without the approval of an officer, has any article in his cell or in his possession, or gives to or receives from any person any article, or attempts to obtain any article:

(h) Repeatedly makes groundless or frivolous complaints:

(i) Commits any nuisance:

(j) Assaults any other inmate:

(k) Wilfully disfigures, damages, or destroys any part of the institution, or any property that is not his own:

(l) In any other way, offends against good order and discipline.

(2) Every inmate commits an offence against discipline who -

(a) Obstructs any officer in the execution of his duty:

- (b) Assaults any officer or any other person, not being an inmate:
- (c) Makes false and malicious allegations against any officer, or any other inmate, or any other person lawfully in the institution;
- (d) Without the permission of the Superintendent, combines with other inmates for the purpose of obtaining any alteration in conditions in the institution or of making any complaint:
- (e) Mutinies, or incites other inmates to mutiny:
- (f) Escapes from any institution or from lawful custody:
- (g) Wilfully wounds or injures himself or pretends illness:
- (h) Being an inmate to whom section 17 of this Act applies, refuses, after that section has been read to him, to submit to being photographed or to having his measurements or fingerprints taken:
- (i) Commits any act of gross misconduct or gross insubordination:
- [(j) Having been directed, pursuant to subsection (2) of section 36B of this Act, to submit to a sputum test or finger swab, or to supply a urine specimen, refuses, after that section has been read to him, to comply with that direction.]

(3) Every inmate who attempts to commit any offence against discipline, or who aids, counsels, or procures the commission of any such offence, shall be liable to be dealt with and punished in the same manner as if he had committed that offence.

An inmate is also liable to prosecution in the courts for certain of the offences contained in Section 44 of the Act:

44(1) Every person commits an offence (and is liable on summary conviction before a District Court Judge or any 2 or more Justices to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500) who, except under the authority of this Act or of any regulations made under this Act or the express authority of the Superintendent of an institution, -

- (a) Introduces or causes to be introduced into the institution, or delivers or causes to be delivered to any inmate, any liquor, tobacco, money, or letter, or any article or thing whatsoever:
- (b) Places or causes to be placed anywhere outside the institution any liquor, tobacco, money, or letter, or any article or thing whatsoever, with the intent that it should come into the possession of an inmate:
- (c) Takes or causes to be taken out of the institution any letter or any article or thing whatsoever on behalf of any inmate.

## THE ROPER COMMITTEE'S RECOMMENDATIONS FOR CHANGES

The Ministerial Committee of Inquiry into the Prisons System 1989 (to be referred to as The Roper Committee) suggested numerous changes to the charges specified in section 32 of the Act. They agreed with the Department's submission that there is ample scope for amendment. They made the following recommendations:

Te Ara Hou 29.9:

\*That section 32(1)(a) be amended to make the failure to comply with a regulation or rule 'wilful'.

\*That paragraph (1)(b) be amended with effect that the offence is limited to wilful mismanagement only. Having regard for the fact that some inmates lack vocational skills and have a history of chronic unemployment, what is seen as idleness, carelessness or negligence may simply be incompetence.

\*That paragraph (1)(c) be repealed. As enacted it is very wide and covers a range of language which is no longer regarded as unacceptable in the community. Paragraph (1)(d) is still available in the appropriate case.

\*That paragraph (1)(d) be amended to limit the offence to behaving in a 'threatening, abusive or offensive' manner.

\*That paragraph (1)(e) be repealed as an anachronism.

\*That paragraph (1)(g) be amended by adding 'likely to cause a breach of security or a danger to the institution or any person'.

\*That paragraph (1)(h), while having its uses as a time-wasting defence, be amended by adding 'having been twice warned of the consequences if he continues to make groundless or frivolous complaints'.

\*That paragraph (1)(i) has outlived its usefulness, if it ever had any, and should be repealed. A lawful order would suffice to put an end to any conduct amounting to a nuisance.

\*That paragraph (1)(l) be repealed. An inmate has no way of knowing what conduct might offend and almost any act could potentially be included.

\*That paragraph (2)(a) be limited to 'wilful' obstruction.

\*Paragraph (2)(c) has been the subject of comment by the Ombudsman and the 1981 Penal Policy Review Committee. Both recommended that this provision be amended to read:

Every inmate (commits) an offence against discipline who, in any written or verbal statement, being contrary to the fact and without a genuine belief in the truth of the statement, makes an allegation against an officer, or any other inmate or any other person lawfully in the institution.

We (The Roper Committee) support that *recommendation*..

Paragraph (2)(d) is referred to in the Department's submission as follows:

It is hard to see that Section 32(2)(d) can be sustained in its current form. This provision punishes an inmate who, without the permission of the Superintendent, combines with other inmates for the purpose of obtaining any alteration in conditions in the institution or of making any complaint. A grievance is no less legitimate by reason of the fact that it is shared. If something is needed, on the other hand, to deal with riots or prison strikes, specific provision should be made.

\*We (The Roper Committee) agree with that comment and *recommend* that the paragraph be repealed and the following substituted:

Combines with other inmates for a purpose which is likely to endanger the security or good order of the institution.

\*We (the Ministerial Committee of Inquiry) agree with the Department's submission that 2(e) which relates to mutiny should be repealed.

\*Paragraph (2)(g) should be repealed. An inmate who wilfully wounds or injures himself or herself requires medical attention, not punishment, and a 'lawful order' will see the pretender about his or her duties.

\*Paragraph (2)(i) should be repealed. Its terms are so uncertain as to be meaningless.

## INCIDENT AND MISCONDUCT REPORT FORMAT

# INCIDENT REPORT

Name of inmate:

Sentence:

Date of incident:

Wing:

Time:

Place of incident:

Witnesses:

**Description of Incident:**

Signature of reporting officer:

Name &amp; title (printed):

Date of report:



MISCONDUCT REPORT

Christchurch Women's Prison

Date:

Inmate:  
(full name)

Offence(s):

Penal Institutions Act 1954 section ( ) sub-section ( ) paragraph ( )

Report:

Plea of accused:

Statement of accused:

Decision of Superintendent:

\_\_\_\_\_  
Superintendent

Decision of Visiting Justice:

\_\_\_\_\_  
Visiting Justice

## **ENTERING A CHARGE**

A charge laid against an inmate for an offence against discipline is laid in duplicate in the manner shown in the sample Misconduct Sheet on the previous page. The charge is then handed to the First Officer (or senior officer acting in that capacity) for action.

The Regulations and General Orders (section G.1.2.2) give the correct way of framing a charge. In this section it is noted that an inmate should not be charged with more than one offence arising out of the same act. The example that is given is if an inmate refuses an order she cannot be charged with failure to obey an order as well as offending against good order and discipline.

The officer laying the charge is meant to advise the inmate as soon as practicable of the nature of the charge unless circumstances of the offence indicate that this is inadvisable. In this case the Regulations and General Orders allow for a ranking officer or senior officer on duty to advise the inmate.

A charge once written is not allowed to be withdrawn, except by the direction of the Superintendent (General Manager).

When an inmate has been reported for an offence the charge against him or her shall be heard as soon as possible (Regulation 75).

## **INMATES' PREPARATION OF HIS OR HER DEFENCE**

An inmate must be notified of a charge brought against her in sufficient time before the hearing to enable them to prepare a defence. If the Visiting Justice or General Manager hearing the charge is satisfied that the inmate has not had a proper opportunity to prepare a defence the hearing of the charge shall be adjourned Regulation 76(2).

Section G.1.3.2.(3) allows for an inmate to make their defence or explanation in writing. Prior to the hearing of the charge the inmate is informed that she may give evidence at the hearing, call any officer or inmate to give evidence of any facts relevant to the charge and cross-examine any witness.

Section G.1.3.3 covers non-association while awaiting hearing or pending criminal investigation.

## THE HEARING OF CHARGES

The offences under Section 32 are divided into 2 categories. Charges under Subsection (1) may be heard by a Superintendent, pursuant to Section 34, although he or she may at any time before imposing sentence refer the case for hearing by a Visiting Justice. If a Superintendent is of the opinion that the inmate should be charged before a court, he or she can decline to proceed with the hearing, and arrange for an information to be laid. The offences contained in Subsection (2) carry more severe penalties and may be heard only by Visiting Justices, who also have the jurisdiction to hear charges under Subsection (1). Where inmates are subject to charges under both subsections the hearing is before a Visiting Justice.

Inmates dealt with by the Superintendent have a right to appeal to a Visiting Justice in respect of both the finding and the penalty and, where the appeal relates to the Superintendent's finding, the Justice must rehear the whole case and either reverse or confirm the finding and confirm or amend the penalty. Any penalty imposed by the Superintendent which is the subject of an appeal is, at least in theory, suspended until the hearing is disposed of.

There is presently no right of appeal against the decision of Visiting Justices unless they act outside the powers conferred upon them when they would be acting without jurisdiction. In such cases a judicial review by the High Court would be open (Roper, 1989).

The procedure for the hearing of charges is contained in Regulations 75 - 78 of the Penal Institutions Regulations 1961.

At C.W.P. the hearing of charges differs slightly from the above. During the period of study the charges were heard by the Custody Manager, and the Unit Manager acted as the prosecuting officer. If the Custody Manager was unavailable the Unit Manager would hear the charges. However this procedure changed during the write up of this study. The hearing of charges reverted once again to the General Manager (as in the Penal Institutions Act) with the Custody Manager acting as the prosecuting officer. There is, however, provision for the Custody Manager to act in the capacity of the General Manager in the hearing of charges if he/she is not available. Both procedures also relate to the punishment of offences. Obviously what was happening during the study period is relevant here.

## **APPENDIX B**

### **PENALTIES & PRIVILEGES**

## PENALTIES & PRIVILEGES

### CONTENTS

Punishments.

The recording of punishments.

Description of penalties for misconducts.

Privileges.

Rights and privileges while under punishment.

### PUNISHMENTS (As stated in the Penal Institutions Act 1954).

Statutory Penalties:

Penalties which may be imposed by a Visiting Justice or a Superintendent (General Manager).

Cumulation of Penalties:

(1) Under Section 33 of the Penal Institutions Act as amended 1961, if more than one penalty is imposed by a Visiting Justice or a Superintendent (General Manager) these penalties may not be cumulative.

The Present Penalties:

The penalties that may be imposed by Visiting Justices and Superintendents (General Managers) differ only in degree. They are:

- (1) Postponement of eligibility for remission for a maximum of 3 months (Visiting Justice) or 7 days (Superintendent);
- (2) Forfeiture or postponement of any privileges for a maximum of 3 months (Visiting Justice) or 28 days (Superintendent);
- (3) Forfeiture of earnings for a maximum of 3 months (Visiting Justice) or 7 days (Superintendent);
- (4) Cell confinement for a maximum of 15 days (Visiting Justice) or 7 days (Superintendent).

Punishment Cells

(1) Each punishment cell will be equipped with:

- (a) Foam plastic mattress and pillow;
- (b) Plastic container for water;
- (c) Plastic chamber pot;
- (d) A reliable means of communication for the inmate in case of emergency such as illness.

- (2) Each inmate will be permitted as many blankets as climatic conditions make necessary, sheets, pillow slip, and pyjamas.
- (3) During the day each inmate will wear his normal day clothing.
- (4) Mattress, pillow, sheets, pillow slip, and pyjamas will be removed at breakfast and returned after the evening meal. At the same time the inmate's day clothing will be exchanged.

## **THE RECORDING OF PUNISHMENTS (From General Orders section G.4).**

### **G.4.1. Punishment Book and Misconduct Sheet:**

- (1) Each penalty imposed will be entered in the punishment book. In making this entry a brief description of the offence will be given. "Offends against good order and discipline" is not satisfactory.
- (2) The penalty imposed will also be entered on the misconduct sheets. The original sheet will be placed on the inmate's file and the duplicate forwarded to the Secretary.

### **G.4.2. Offences Heard in Open Court:**

- (1) The Superintendent (General Manager) will report to the Secretary all punishments ordered by open court stating:
  - (a) The name of the offender;
  - (b) The date of the offence;
  - (c) The character of the offence;
  - (d) The penalty awarded;
  - (e) The general circumstances.

## **DESCRIPTION OF PENALTIES FOR MISCONDUCTS**

### **Postponement of Eligibility for Remission**

This is basically, in effect, an extension to the length of the sentence imposed. An offender's release date cannot, however, be extended beyond the expiry of the full sentence. While the utility of the penalty is limited in the case of short-term inmates, and for those who have already lost most of their available remission, loss of remission is otherwise considered by the Department of Justice as a useful management tool. Although the deterrent value of the penalty is questionable, it is suggested that there is really no alternative to its use for serious disciplinary offences or where other sanctions have been exhausted (Department of Justice, 1988). Amendments were made to this section of the Act in 1993. The amendments included changing the paragraph relating to 'Powers of Visiting Justice in relation to offences by inmates'. Section 33 (3) of the principal Act was amended by repealing paragraph (a) (as

substituted by section 17 (1) of the Penal Institutions Amendment Act 1985), and substituting the following paragraph:

(a) Postponement for a specified period of the inmate's final release date determined in accordance with section 90 of the Criminal Justice Act 1985 in respect of any sentence the inmate is then serving; but no period of postponement shall exceed the shorter of the following periods:

(i) Three months; or

(ii) A period which, by itself or when added to such other periods or periods of postponement as there may be affecting the same sentence, is equal to one-half of the term already served under the sentence.

Also included in the amendments were changes to the paragraph relating to 'Powers of Superintendents in relation to certain offences by inmates': (1) Section 34 (3) of the principal Act was amended by repealing paragraph (a), and substituting the following paragraph:

(a) Postponement for a specified period of the inmate's final release date determined in accordance with section 90 of the Criminal Justice Act 1985 in respect of any sentence that the inmate is then serving; but no period of postponement shall exceed the shorter of the following periods:

(i) Seven days; or

(ii) A period which, by itself or when added to such other period or periods of postponement as there may be affecting the same sentence, is equal to one-half of the term already served under the sentence.

## **Cell Confinement**

This can be imposed by a Visiting Justice for a maximum of 15 days; and by the Superintendent (General Manager) for a maximum of 7 days. Regulation 84 provides that an inmate sentenced to cell confinement shall not work, unless there is work available which can be done in the cell. The inmate is not permitted to receive any visitors other than prison staff (Department of Justice, 1988). When the researcher asked how it was determined if an inmate was held in their own cell while under confinement or in a punishment cell, she was told that basically it depended on administrative convenience. That is, it depended if parts of the prison were housing male inmates due to lack of accommodation at male institutions, if the pound was already full, if remand was full, and if only one inmate was on cell confinement she would usually be left in her own cell so staff did not have to supervise the pound area just for her.

## **Forfeiture (Loss) of Privileges**

According to General Order E.8.2.2. this restricts an inmate to those privileges allowed under General Orders E.8.1. during the first month of a sentence, namely normal letter

writing and visiting, and access to the canteen, library, and education courses, but association with other inmates only at work, which therefore includes early lock (Department of Justice, 1988). See the next page for a full description of the scale of privileges.

### **Forfeiture (Loss) of Earnings**

This is fairly self explanatory. This can be imposed by a Visiting Justice for up to 3 months or by a Superintendent (General Manager) for up to 7 days. It is not generally used as a punishment option very often (in fact it was not used at C.W.P. during the course of the research period).



## **PRIVILEGES**

The scale of privileges for inmates is set out in General Order E.8.1 as follows:

### **During First Month**

Normal letter and visiting privileges.

Use of canteen.

Library.

Educational Courses.

Non-association except at work.

### **During Second and Third Months**

As above plus association at meals.

Non-association hobbies.

### **After Three Months**

Full privileges provided an inmate has earned them by good conduct and industry.

Roper (1989) notes that “non-association” involves early lock-up. Full privileges would include such matters as later lock-up, television or radio sets in cell, or newspapers (inmates expense) and telephone calls.

A disciplinary breach may result in a forfeiture of privileges, including visiting rights.

## **RIGHTS AND PRIVILEGES WHILE UNDER PUNISHMENT.**

The General Orders sections E.8.2.1 - E.8.2.5 covers the inmate’s privileges while off privileges and while under cell confinement. An inmate off privileges receives the same privileges as one serving the first month of a sentence.

Under sections E.8.2.3, E.8.2.4 and E.8.2.5 an inmate off privileges is entitled to attend religious services, bible class, religious groups and Chaplain’s hours if the basis of the hour

is religious education rather than recreational. Educational activities should continue, including educational films as distinct from entertainment films. With regard to group counselling an inmate off privileges should be permitted to attend groups.

Under the above sections an inmate undergoing cell confinement can ask permission to attend devotional services, the Superintendent (General Manager) is obliged to consider such a request in consultation with the Chaplain. an inmate under cell confinement should continue correspondence courses, have appropriate library facilities, and access to the teacher. In the case of cell confinement the Superintendent (General Manager ) may allow cell hobbies and attendance at remedial classes where there is no risk to security. Some inmates may be allowed to attend group counselling, for all others, counselling should be on an individual basis.

## **APPENDIX C**

### **MANAGEMENT STRUCTURE AT CHRISTCHURCH WOMEN'S PRISON FEBRUARY I 1993 - DECEMBER 1 1993**

MANAGEMENT STRUCTURE AT CHRISTCHURCH WOMEN’S  
PRISON DURING STUDY PERIOD

GENERAL MANAGER

MANAGER ADMINISTRATION	MANAGER CUSTODY	MANAGER PROGRAMMES
Telephonist Clerk Administration Stores	UNIT MANAGER  STAFF DEVT OFFICER  Prison officers (36) + 3 Instructors	NURSE IN CHARGE 2 part time nurses  EDUCATION CO-ORDR Social Worker Chaplain - 1 part time 1 Instructor          Doctor Dentist Psychologists Forensic Unit A.C.C. Counsellors Programme Providers

Lucy Sandford 1993 (Programmes Manager)

**APPENDIX D**

**MAJOR OFFENCE CATEGORIES**

## **MAJOR OFFENCE CATEGORIES**

### **OFFENCE CATEGORIES AS TAKEN FROM THE CENSUS OF PRISON INMATES 1991** (unless stated otherwise).

#### **Violent**

Includes such offences as:

- murder
- manslaughter
- attempted murder
- injuring and wounding
- kidnapping
- aggravated robbery
- aggravated burglary
- rape
- attempted sexual violation
- unlawful sexual connection
- indecent assault
- aggravated assault
- other assault
- other violence

Robbery is not included in this category as it is in the census, it is included instead in the "Against Property" category as it appears in the Crimes Act.

#### **Other Against Persons**

Not classified as involving violence. The examples given in the Census of Prison Inmates (Braybook & Southey, 1992) include sexual crimes not involving an assault, and traffic offences where death or injury resulted.

#### **Against Property**

The classifications for this group came mainly from the Crimes Act ( Crimes Against Rights of Property, part 10, ss 217-305). This category includes such offences as:

- theft
- robbery
- burglary
- false pretences
- arson

Aggravated robbery is excluded from this group as it is felt that it is better placed under violence. It is also included in the Census of Prison Inmates (Braybook & Southey, 1992) category of violence.

### **Involving Drugs**

### **Traffic**

Not including offences where death or injury resulted.

### **Against Justice**

Includes such offences as:

- breach of periodic detention
- breach of parole

### **Miscellaneous**

Offences in the miscellaneous category are those defined in an assortment of acts and regulations including the Arms Act, the Fisheries Act, the Income Tax Act and the Social Security Act including offences of fraud and providing misleading information. In this research the offences that came under this heading were mainly related to the Social Security Act, a couple of offences involved the unlawful possession of a firearm.

A "Good Order" category is not included as in the Census of Prison Inmates (Braybook & Southey, 1992) as none of the major offences in this study come under this heading. Good order offences include relatively serious offences as riot, unlawful assembly, and carrying offensive weapons, through to minor offences such as obscene language.

## **APPENDIX E**

### **PAROLE AND ELIGIBILITY FOR RELEASE**



## LENGTH OF SENTENCE SERVED & ELIGIBILITY FOR PAROLE

The Prisons Parole Board and the District Parole Board are responsible for the reviewing of prisoners' sentences. The Prisons Parole Board reviews those sentences of inmates who are serving a life term, a preventive detention term, or terms of seven years or more. The District Parole Board has jurisdiction in respect of those offenders who are serving sentences of less than seven years. Both these boards have the authority to release prisoners on probation before their terms expire.

The minimum time which must be served before the prisoner is eligible for parole is found in section 93 of the *Criminal Justice Act 1985*. Those sentenced to life imprisonment must serve at least 10 years (this changed from 7 years to 10 years in 1985 as in the *Criminal Justice Act*). Those prisoners sentenced to terms of 14 years or more are eligible for parole after 7 years. However, in respect of some offences where the term of imprisonment imposed is more than 2 years, the offender is not eligible for parole at all. This provision relates to sexual violation, serious wounding and robbery offences. Other offenders are eligible for parole after the expiry of half of their sentence (Doyle & Hodge, 1991).

In the case of violent offenders they become eligible for release after serving two thirds of their sentence, but conditions are imposed by the board in addition to section 100 standard conditions of release.

As of September 1st 1994 changes have been made to eligibility for parole. An inmate can elect to go to their two thirds date and get automatic release with section 100 conditions imposed only. If they wish to apply for parole earlier than this they may, but other special conditions can be applied by the parole board (Section 107b *Criminal Justice Amendment Act 1994*).

## **APPENDIX F**

### **COMPOSITION OF INCIDENT & MISCONDUCT TYPE GROUPS**

## COMPOSITION OF MISCONDUCT & INCIDENT TYPE GROUPS

1. Inmate - Officer Interactions
  - conflict with an officer - verbal
  - conflict with an officer - physical
  - disobeying order of an officer
  - supplying false information
2. Inmate - Inmate Interactions
  - conflict with inmate - verbal
  - conflict with inmate - physical
  - relationship with another inmate
3. Interactions With Prison Environment
  - disruptive behaviour
  - damage
  - complaints
  - communication with outside
  - being away from appointed place
4. Prohibited Possessions Minor
  - borrowing/lending article
  - article in cell without approval of an officer
5. Prohibited Possessions Major
  - alcohol and drugs
6. Information
7. Self Harm

## SPECIFIC EXAMPLES FOR EACH OF THE INCIDENT AND MISCONDUCT CATEGORIES

### **Inmate - Officer Interactions**

(i) Behaved in a disorderly manner in that she did stand and repeatedly yell at an officer when instructed to move from the yard to her cell (M).

(ii) Offending against good order and discipline in that she did yell at an officer "how would you like to be locked up with all these kid fuckers?" (M).

(iii) Offending against good order and discipline in that she was angry and abusive and had to be ordered to return to her place of industry (M).

(iv) Disobeying the lawful order of an officer in that she did not wear a cycle helmet while riding around the perimeter after being ordered to do so (M).

(v) Disobeying the lawful order of an officer in that she did talk to an inmate on segregation after being ordered not to (M).

(vi) Behaving in an abusive and threatening manner in that she did bang her door and continually yell "you fucken screws can't lock me I want my lawyer," told twice to quieten down or she would be charged again (M).

(vii) Disobeying the lawful order of an officer in that she did not wear a skirt over her tights when told to do so (M).

(viii) Assault on an officer in that she did grab officer's hand and claw it with her fingernails, officer strip searching inmate and asked for thong around her neck, as officer reached out right hand \_\_\_\_ grabbed it, twisted it right back and raked it with her fingernails, causing bruising and bleeding (M).

(ix) Behaving in a threatening manner in that she did grab an officer from behind and say "you better watch it", and then "you do nothing but sit on your fucken arse" (M).

(x) Disobeying the lawful order of an officer in that she did wear kitchen white overalls after being told on a previous occasion not to (M).

(xi) Committing a nuisance in that she did question staff about using the telephone (M).

(xii) Disobeying the lawful order of an officer in that she did walk around without shoes on (told earlier) (M).

(xiii) Disobeying the lawful order of an officer in that she did refuse to allow an officer to view the computer monitor screen (M).

### **Inmate - Inmate Interactions**

- (i) Offending against good order and discipline in that she was kissing another inmate (M).
- (ii) Offending against good order and discipline in that she did have loud and out of control arguments with three other inmates in the education area (M).
- (iii) Disobeying a rule of the institution in that she was in another inmate's cell (M).
- (iv) Disobeying the rule of the institution in that she did stand at her window and call out to another inmate (M).
- (v) \_\_\_\_ and another inmate were engaged in a heated, verbal altercation, language was very abusive to each other (I).
- (vi) Assaulting another inmate in that on \_\_\_\_ 1993 she did punch \_\_\_\_ on the side of the head three times (M).
- (vii) Assaulting another inmate in that she did push inmate \_\_\_\_ and hit her on the side of the head (M).
- (viii) Unacceptable sexual behaviour, \_\_\_\_ one of the main culprits, other inmates have complained, officer found \_\_\_\_ and \_\_\_\_ kissing each other in a very obscene manner (I).
- (ix) Disobeying a rule of the institution in that she did allow another inmate in her cell (M).

### **Interactions with Prison Environment**

- (i) Offending against good order and discipline in that she did repeatedly throw articles about her cell . . . continued and persisted with banging and throwing articles about her cell (M). "It's a problem with me being locked, I get stressful and seem to lose control".
- (ii) \_\_\_\_ used wood to poke hole between two cells so she could pass cigarettes (I).
- (iii) Wilfully damaging institution property in that she did deliberately break off pieces of the bed in her cell (M).
- (iv) Disobeying the rule of the institution in that on \_\_\_\_ 1993 she was not out of bed and dressed at 8 am unlock (M).

(v) Wilfully damaging institution property in that on \_\_\_\_ 1993 she did cut out parts of an institution library book (M).

(vi) \_\_\_\_ complaining about unemployed inmates' rights. She was reluctant to accept that the matter had been dealt with, wanted to put in grievance form (I).

(vii) Officer in Charge received a phone call from \_\_\_\_ mother requesting to speak to her, officer stated that inmates were not permitted to receive incoming phone calls however he would pass on a message, mother asked if \_\_\_\_ was alright, officer said she was fine and would pass on her message, the call was terminated (I).

### **Prohibited Possessions Minor**

(i) Having an article in her possession without the approval of an officer in that she did have another inmate's jacket in her cell (M).

(ii) Having articles in her cell which did not belong to her and which were not listed on her property sheet (M).

(iii) Disobeying a rule of the institution in that on \_\_\_\_ 1993 her radio was found in another inmate's cell (warned twice previously) (M).

(iv) Disobeying the rule of the institution in that she lent an article of clothing to another inmate (M).

(v) Having an article in her cell without the permission of an officer in that she did have a pair of tracksuit pants that did not belong to her (M).

(vi) Having an article in her possession without the approval of an officer in that she did have a phone card belonging to another inmate (M).

### **Prohibited Possessions Major**

(i) . . . on their return from visits they appeared to be acting in a suspicious manner, believed to be under the influence of drugs or alcohol, reported to Officer in Charge, tested for illegal drug substances (I).

(ii) Smell of cannabis in corridor and in region of \_\_\_\_ cell (I)

(iii) Offending against good order and discipline in that she did admit to owning a syringe found in the pipe space connecting her cell to another inmate's cell (M).

(iv) Having an article in her cell without the approval of an officer in that she did have concealed in her cell 1 syringe, some match sticks, and an amount of an unknown substance (M).

(v) \_\_\_\_ reported to be smoking marijuana, reported by \_\_\_\_ (another inmate), locked (I).

(vi) Offending against good order and discipline in that on \_\_\_\_ 1993 she was under the influence of drugs or alcohol. \_\_\_\_ was back from parole, she smelt like alcohol, when asked if she had been drinking she said yes (M).

### Information

(i) Refusal of medication, she has also refused medication previously (I).

(ii) Officer asked \_\_\_\_ how things were going, officer told by \_\_\_\_ that there had been a small amount of trouble in the gym last night, other inmates told \_\_\_\_ to sort it out, but she had said to forget it and walked away as she couldn't afford to be in any trouble (I).

(iii) Officer asked \_\_\_\_ if she was on a hunger strike as noticed she hadn't eaten anything for the last three meals. Inmate wanted to know why officer was asking, officer said it was his/her job to take note if inmates were eating for their well being. Inmate replied she was not going to be eating for some considerable time, officer asked inmate to put this in writing but she refused to (I).

(iv) \_\_\_\_ knew who was responsible for tobacco thefts in wing \_ but she couldn't name them, (another inmate initiated this) she added they had no money and were taking other inmates' food (I).

(v) Since \_\_\_\_ and \_\_\_\_ have been removed from wing \_ the wing has run smoothly and inmates have commented on how relaxed things are since the two inmates have left, officer finds this the case as well (I).

(vi) \_\_\_\_ reapplying for an industry change, when questioned as to the reason she was very unspecific, said her son was not settling down well with her mother and they had a few problems. Inmate having trouble accepting the length of her sentence (I).

**Self Harm**

(i) Nurse advised Acting Unit Manager that she had observed a red mark on inmate's neck. On questioning \_\_\_\_ she admitted to nurse that she had tied a length of sheeting around her neck the night before. Forensic team called in. Placed immediately on strip conditions and 1/4 hourly observations were commenced (I).

(ii) Wilfully wounding herself in that she did cut her upper arm and the inside of her elbow, gash on elbow required 18 stitches and one on upper arm required 8 (M).

(iii) Officer informed on returning from court that \_\_\_\_ was on constant watch in cell \_ in wing \_ following incident of self mutilation, she was put on special conditions, \_\_\_\_ tried to hurt herself again, restrained . . . (I).



## **APPENDIX G**

### **FREQUENCY DATA - INCIDENTS, MISCONDUCTS & PENALTIES FOR SENTENCED FEMALE INMATES AT C.W.P 1.2.1993 - 1.12.1993**

FREQUENCY DATA - INCIDENTS, MISCONDUCTS & PENALTIES  
FOR SENTENCED FEMALE INMATES AT C.W.P 1.2.1993 - 1.12.1993

AGE GROUPS

Table 39: Age Groups & Incident Type Frequencies

Age Group	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Undr 20	3	5.5	6	7.2	8	18.6	1	9.1	3	8.3	3	4.0	0	0.0	24	7.7
20 - 24	12	21.8	32	38.1	11	25.6	4	36.4	9	25.0	16	21.3	1	14.3	85	27.3
25 - 29	17	30.9	12	14.3	9	20.9	4	36.4	15	41.7	23	30.7	4	57.1	84	27.0
30 - 34	14	25.5	20	23.8	7	16.3	1	9.1	3	8.3	20	26.7	2	28.6	67	21.5
35 - 39	4	7.3	7	8.3	5	11.6	0	0.0	6	16.7	5	6.7	0	0.0	27	8.7
40 - 44	0	0.0	2	2.4	1	2.3	1	9.1	0	0.0	4	5.3	0	0.0	8	2.6
45 - 49	5	9.1	5	6.0	2	4.7	0	0.0	0	0.0	4	5.3	0	0.0	16	5.1
50 & Ovr	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	55	100	84	100	43	100	11	100	36	100	75	100	7	100	311	100

Table 40: Age Groups & Misconduct Type Frequencies

Age Group	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Undr 20	3	5.5	0	0.0	3	8.1	2	6.7	0	0.0	0	0.0	0	0.0	8	4.7
20 - 24	16	29.1	10	30.3	12	32.4	10	33.3	5	38.5	0	0.0	0	0.0	53	31.4
25 - 29	18	32.7	10	30.3	10	27.0	9	30.0	7	53.8	0	0.0	1	100	55	32.5
30 - 34	12	21.8	9	27.3	7	18.9	7	23.3	1	7.7	0	0.0	0	0.0	36	21.3
35 - 39	2	3.6	4	12.1	3	8.1	2	6.7	0	0.0	0	0.0	0	0.0	11	6.5
40 - 44	0	0.0	0	0.0	1	2.7	0	0.0	0	0.0	0	0.0	0	0.0	1	0.6
45 - 49	4	7.3	0	0.0	1	2.7	0	0.0	0	0.0	0	0.0	0	0.0	5	3.0
50 & Ovr	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	55	100	33	100	37	100	30	100	13	100	0	0.0	1	100	169	100

Table 41: Age Groups & Penalty Frequencies

Age Group	P.P Eligibility - Remission.		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Under 20	1	6.7	1	2.6	4	5.6	2	6.5	0	0.0	8	4.7
20 - 24	6	40.0	12	30.8	19	26.8	11	35.5	5	38.5	53	31.4
25 - 29	5	33.3	16	41.0	22	31.0	8	25.8	4	30.8	55	32.5
30 - 34	2	13.3	9	23.1	18	25.4	5	16.1	2	15.4	36	21.3
35 - 39	1	6.7	1	2.6	5	7.0	2	6.5	2	15.4	11	6.5
40 - 44	0	0.0	0	0.0	0	0.0	1	3.2	0	0.0	1	0.6
45 - 49	0	0.0	0	0.0	3	4.2	2	6.5	0	0.0	5	3.0
50 & Ovr	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	15	100	39	100	71	100	31	100	13	100	169	100

ETHNIC GROUPS

Table 42: Ethnic Groups & Incident Type Frequencies

Ethnicity	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Pakeha	24	43.6	39	46.4	22	51.2	6	54.5	22	61.1	31	41.3	3	42.9	147	47.3
Maori	29	52.7	37	44.0	21	48.8	5	45.5	14	38.9	40	53.3	4	57.1	150	48.2
Samoan	2	3.6	6	7.1	0	0.0	0	0.0	0	0.0	2	2.7	0	0.0	10	3.2
Other	0	0.0	2	2.4	0	0.0	0	0.0	0	0.0	2	2.7	0	0.0	4	1.3
Total	55	100	84	100	43	100	11	100	36	100	75	100	7	100	311	100

Table 43: Ethnic Groups & Misconduct Type Frequencies

Ethnicity	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Pakeha	20	36.4	15	45.5	15	40.5	15	50.0	7	53.8	0	0.0	0	0.0	72	42.6
Maori	31	56.4	18	54.5	20	54.1	15	50.0	6	46.2	0	0.0	1	100	91	53.8
Samoan	4	7.3	0	0.0	2	5.4	0	0.0	0	0.0	0	0.0	0	0.0	6	3.6
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	55	100	33	100	37	100	30	100	13	100	0	0.0	1	100	169	100

Table 44: Ethnic Groups & Penalty Frequencies

Ethnicity	P.P Eligibility		Cell		Loss of		Convicted &		Case		Total	
	- Remission.		Confinement		Privileges		Cautioned		Dismissed			
	n	%	n	%	n	%	n	%	n	%	n	%
Pakeha	8	53.3	22	56.4	25	35.2	10	32.3	7	53.8	72	42.6
Maori	7	46.7	15	38.5	44	62.0	20	64.5	5	38.5	91	53.8
Samoaan	0	0.0	2	5.1	2	2.8	1	3.2	1	7.7	6	3.6
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	15	100	39	100	71	100	31	100	13	100	169	100

PREVIOUS INCARCERATION GROUPS

Table 45: Previous Incarceration Groups & Incident Type Frequencies

Previous Incarceration	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
First Offender	30	54.5	47	56.0	21	48.8	8	72.7	14	38.9	41	54.7	6	85.7	167	53.7
Recidivist	25	45.5	37	44.0	22	51.2	3	27.3	22	61.1	34	45.3	1	14.3	144	46.3
Unknown	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	55	100	84	100	43	100	11	100	36	100	75	100	7	100	311	100

Table 46: Previous Incarceration Groups & Misconduct Type Frequencies

Previous Incarceration	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
First Offender	30	54.5	16	48.5	21	56.8	16	53.3	5	38.5	0	0.0	1	100	89	52.7
Recidivist	25	45.5	17	51.5	16	43.2	14	46.7	8	61.5	0	0.0	0	0.0	80	47.3
Unknown	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	55	100	33	100	37	100	30	100	13	100	0	0.0	1	100	169	100

Table 47: Previous Incarceration Groups & Penalty Frequencies

Previous Incarceration	P.P Eligibility - Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
First Offender	8	53.3	20	51.3	35	49.3	20	64.5	6	46.2	89	52.7
Recidivist	7	46.7	19	48.7	36	50.7	11	35.5	7	53.8	80	47.3
Unknown	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	15	100	39	100	71	100	31	100	13	100	169	100

OFFENCE TYPE GROUPS

Table 48: Offence Type Groups & Incident Type Frequencies

Offence Type	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Violent	25	45.5	49	58.3	24	55.8	6	54.5	9	25.0	37	49.3	6	85.7	156	50.2
Against Property	26	47.3	28	33.3	8	18.6	1	9.1	9	25.0	19	25.3	1	14.3	92	29.6
Drugs	1	1.8	2	2.4	0	0.0	1	9.1	1	2.8	4	5.3	0	0.0	9	2.9
Traffic	2	3.6	4	4.8	7	16.3	2	18.2	9	25.0	6	8.0	0	0.0	30	9.6
Justice	1	1.8	0	0.0	3	7.0	1	9.1	3	8.3	3	4.0	0	0.0	11	3.5
Othr Ag. Person	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Miscell.	0	0.0	1	1.2	1	2.3	0	0.0	5	13.9	6	8.0	0	0.0	13	4.2
Total	55	100	84	100	43	100	11	100	36	100	75	100	7	100	311	100

Table 49: Offence Type Groups & Misconduct Type Frequencies

Offence Type	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Violent	28	50.9	13	39.4	15	40.5	14	46.7	3	23.1	0	0.0	1	100	74	43.8
Against Property	17	30.9	13	39.4	12	32.4	11	36.7	4	30.8	0	0.0	0	0	57	33.7
Drugs	2	3.6	0	0.0	0	0.0	2	6.7	0	0.0	0	0.0	0	0	4	2.4
Traffic	2	3.6	3	9.1	7	18.9	2	6.7	3	23.1	0	0.0	0	0	17	10.1
Justice	5	9.1	1	3.0	2	5.4	0	0.0	1	7.7	0	0.0	0	0	9	5.3
Othr. Ag. Person	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0	0	0.0
Miscell.	1	1.8	3	9.1	1	2.7	1	3.3	2	15.4	0	0.0	0	0	8	4.7
Total	55	100	33	100	37	100	30	100	13	100	0	0.0	1	100	169	100

Table 50: Offence Type Groups & Penalty Frequencies

Offence Type	P.P Eligibility - Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Violent	7	46.7	13	33.3	31	43.7	17	54.8	6	46.2	74	43.8
Against Property	7	46.7	14	35.9	25	35.2	6	19.4	5	38.5	57	33.7
Drugs	0	0.0	2	5.1	1	1.4	1	3.2	0	0.0	4	2.4
Traffic	0	0.0	5	12.8	8	11.3	3	9.7	1	7.7	17	10.1
Justice	0	0.0	4	10.3	2	2.8	3	9.7	0	0.0	9	5.3
Othr Ag. Person	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Miscell.	1	6.7	1	2.6	4	5.6	1	3.2	1	7.7	8	4.7
Total	15	100	39	100	71	100	31	100	13	100	169	100



SENTENCE LENGTH GROUPS

Table 51: Sentence Length Groups & Incident Type Frequencies

Sentence Length	Inmate - Officer		Inmate - Inmate		Prison Envirmnt.		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Under 3 M	0	0.0	0	0.0	2	4.7	1	9.1	1	2.8	1	1.3	0	0.0	5	1.6
3-Undr 6 M	4	7.3	5	6.0	5	11.6	0	0.0	7	19.4	8	10.7	0	0.0	29	9.3
6 M-Undr 1 Yr	15	27.3	18	21.4	7	16.3	3	27.3	10	27.8	19	25.3	4	57.1	76	24.4
1-Under 2 Yrs	8	14.5	17	20.2	15	34.9	3	27.3	12	33.3	14	18.7	0	0.0	69	22.2
2-Under 3 Yrs	9	16.4	5	6.0	2	4.7	1	9.1	2	5.6	6	8.0	1	14.3	26	8.4
3-Under 5 Yrs	7	12.7	24	28.6	5	11.6	1	9.1	3	8.3	7	9.3	1	14.3	48	15.4
5-Under 7 Yrs	0	0.0	2	2.4	1	2.3	1	9.1	0	0.0	4	5.3	0	0.0	8	2.6
7-Under 10 Yrs	7	12.7	5	6.0	2	4.7	0	0.0	0	0.0	6	8.0	1	14.3	21	6.8
10 Yrs & Over	1	1.8	1	1.2	2	4.7	1	9.1	0	0.0	3	4.0	0	0.0	8	2.6
Life	4	7.3	7	8.3	2	4.7	0	0.0	1	2.8	7	9.3	0	0.0	21	6.8
Total	55	100	84	100	43	100	11	100	36	100	75	100	7	100	311	100

Table 52: Sentence Length Groups & Misconduct Type Frequencies

Sentence Length	Inmate - Officer		Inmate - Inmate		Prison Envirmnt		Prohibited Poss Minr		Prohibited Poss Majr		Info.		Self Harm		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Under 3 M	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
3-Under 6 M	6	10.9	1	3.0	3	8.1	2	6.7	1	7.7	0	0.0	0	0.0	13	7.7
6 M-Under 1 Yr	18	32.7	16	48.1	10	27.0	6	20.0	6	46.2	0	0.0	1	100	57	33.7
1-Under 2 Yrs	10	18.2	5	15.2	10	27.0	12	40.0	3	23.1	0	0.0	0	0.0	40	23.7
2-Under 3 Yrs	5	9.1	1	3.0	2	5.4	1	3.3	1	7.7	0	0.0	0	0.0	10	5.9
3-Under 5 Yrs	8	14.5	7	21.2	9	24.3	6	20.0	1	7.7	0	0.0	0	0.0	31	18.3
5-Under 7 Yrs	0	0.0	0	0.0	1	2.7	0	0.0	0	0.0	0	0.0	0	0.0	1	0.6
7-Under 10 Yrs	5	9.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	5	3.0
10 Yrs & Over	1	1.8	0	0.0	0	0.0	2	6.7	1	7.7	0	0.0	0	0.0	4	2.4
Life	2	3.6	3	9.1	2	5.4	1	3.3	0	0.0	0	0.0	0	0.0	8	4.7
Total	55	100	33	100	37	100	30	100	13	100	0	0.0	1	100	169	100

Table 53: Sentence Length Groups & Penalty Frequencies

Sentence Length	P.P Eligibility - Remission		Cell Confinement		Loss of Privileges		Convicted & Cautioned		Case Dismissed		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Under 3 M	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
3-Undr 6 M	0	0.0	5	12.8	6	8.5	1	3.2	1	7.7	13	7.7
6 M-Undr 1 Yr	6	40.0	14	35.9	21	29.6	11	35.5	5	38.5	57	33.7
1-Undr 2 Yrs	4	26.7	10	25.6	17	23.9	6	19.4	3	23.1	40	23.7
2-Under 3 Yrs	1	6.7	1	2.6	6	8.5	0	0.0	2	15.4	10	5.9
3-Under 5 Yrs	4	26.7	5	12.8	13	18.3	8	25.8	1	7.7	31	18.3
5-Under 7 Yrs	0	0.0	0	0.0	0	0.0	1	3.2	0	0.0	1	0.6
7-Under 10 Yr	0	0.0	1	2.6	2	2.8	2	6.5	0	0.0	5	3.0
10 Yrs & Over	0	0.0	2	5.1	1	1.4	1	3.2	0	0.0	4	2.4
Life	0	0.0	1	2.6	5	7.0	1	3.2	1	7.7	8	4.7
Total	15	100	39	100	71	100	31	100	13	100	169	100

## **APPENDIX H**

### **PUNISHMENT DATA FOR SENTENCED FEMALE INMATES AT C.W.P 1.2.1993 - 1.12.1993**

**PUNISHMENT DATA FOR SENTENCED FEMALE INMATES AT  
C.W.P 1.2.1993 - 1.12.1993**

**Note:** The following tables present punishment data for the 5 different inmate variables - ethnicity, age, offence type, sentence length and previous incarcerations. The misconducts are labelled as groups; the groups stand for the following:

- Group 1 = Inmate - Officer Interactions
- Group 2 = Inmate - Inmate Interactions
- Group 3 = Interactions with Prison Environment
- Group 4 = Prohibited Possessions Minor
- Group 5 = Prohibited Possessions Major
- Group 6 = Information
- Group 7 = Self Harm

AGE GROUPS

Table 54: Penalty Frequencies for Age Groups - Postponement of Eligibility for Remission

Age Groups	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under20	0	0	1	0	0	0	0	1
20 - 24	0	3	0	0	3	0	0	6
25 - 29	1	1	0	0	3	0	0	5
30 - 34	0	1	0	0	1	0	0	2
35 - 39	0	1	0	0	0	0	0	1
40 - 44	0	0	0	0	0	0	0	0
45 - 49	0	0	0	0	0	0	0	0
50 & Ovr	0	0	0	0	0	0	0	0
Total	1	6	1	0	7	0	0	15

Table 55: Penalty Frequencies for Age Groups - Cell Confinement

Age Groups	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under20	0	0	0	1	0	0	0	1
20 - 24	7	1	0	2	2	0	0	12
25 - 29	7	2	1	2	4	0	0	16
30 - 34	4	2	1	2	0	0	0	9
35 - 39	0	1	0	0	0	0	0	1
40 - 44	0	0	0	0	0	0	0	0
45 - 49	0	0	0	0	0	0	0	0
50 & Ovr	0	0	0	0	0	0	0	0
Total	18	6	2	7	6	0	0	39

Table 56: Penalty Frequencies for Age Groups - Loss of Privileges

Age Groups	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under20	3	0	0	1	0	0	0	4
20 - 24	4	2	7	6	0	0	0	19
25 - 29	7	4	5	6	0	0	0	22
30 - 34	7	4	4	3	0	0	0	18
35 - 39	2	2	1	0	0	0	0	5
40 - 44	0	0	0	0	0	0	0	0
45 - 49	2	0	1	0	0	0	0	3
50 & Ovr	0	0	0	0	0	0	0	0
Total	25	12	18	16	0	0	0	71

Table 57: Penalty Frequencies for Age Groups - Convicted & Cautioned

Age Groups	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under20	0	0	2	0	0	0	0	2
20 - 24	5	1	4	1	0	0	0	11
25 - 29	3	0	3	1	0	0	1	8
30 - 34	1	2	1	1	0	0	0	5
35 - 39	0	0	0	2	0	0	0	2
40 - 44	0	0	1	0	0	0	0	1
45 - 49	2	0	0	0	0	0	0	2
50 & Ovr	0	0	0	0	0	0	0	0
Total	11	3	11	5	0	0	1	31

Table 58: Penalty Frequencies for Age Groups - Case Dismissed

Age Groups	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under20	0	0	0	0	0	0	0	0
20 - 24	0	3	1	1	0	0	0	5
25 - 29	0	3	1	0	0	0	0	4
30 - 34	0	0	1	1	0	0	0	2
35 - 39	0	0	2	0	0	0	0	2
40 - 44	0	0	0	0	0	0	0	0
45 - 49	0	0	0	0	0	0	0	0
50 & Ovr	0	0	0	0	0	0	0	0
Total	0	6	5	2	0	0	0	13



ETHNIC GROUPS

Table 59: Penalty Frequencies for Ethnic Groups - Postponement of Eligibility for Remission

Ethnicity	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Pakeha	0	4	1	0	3	0	0	8
Maori	1	2	0	0	4	0	0	7
Samoan	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	1	6	1	0	7	0	0	15

Table 60: Penalty Frequencies for Ethnic Groups - Cell Confinement

Ethnicity	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Pakeha	8	4	2	4	4	0	0	22
Maori	8	2	0	3	2	0	0	15
Samoan	2	0	0	0	0	0	0	2
Other	0	0	0	0	0	0	0	0
Total	18	6	2	7	6	0	0	39

Table 61: Penalty Frequencies for Ethnic Groups- Loss of Privileges

Ethnicity	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Pakeha	9	1	8	7	0	0	0	25
Maori	15	11	9	9	0	0	0	44
Samoan	1	0	1	0	0	0	0	2
Other	0	0	0	0	0	0	0	0
Total	25	12	18	16	0	0	0	71

Table 62: Penalty Frequencies for Ethnic Groups- Convicted and Cautioned

Ethnicity	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Pakeha	3	2	3	2	0	0	0	10
Maori	7	1	8	3	0	0	1	20
Samoan	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	11	3	11	5	0	0	1	31

Table 63: Penalty Frequencies for Ethnic Groups- Case Dismissed

Ethnicity	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Pakeha	0	4	1	2	0	0	0	7
Maori	0	2	3	0	0	0	0	5
Samoan	0	0	1	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	0	6	5	2	0	0	0	13

PREVIOUS INCARCERATION GROUPS

Table 64: Penalty Frequencies for Previous Incarceration Groups - Postponement of Eligibility for Remission

Previous Incarceration	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
First Offender	1	3	1	0	3	0	0	8
Recidivist	0	3	0	0	4	0	0	7
Unknown	0	0	0	0	0	0	0	0
Total	1	6	1	0	7	0	0	15

Table 65: Penalty Frequencies for Previous Incarceration Groups - Cell Confinement

Previous Incarceration	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
First Offender	10	4	0	4	2	0	0	20
Recidivist	8	2	2	3	4	0	0	19
Unknown	0	0	0	0	0	0	0	0
Total	18	6	2	7	6	0	0	39

Table 66: Penalty Frequencies for Previous Incarceration Groups - Loss of Privileges

Previous Incarceration	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
First Offender	11	4	12	8	0	0	0	35
Recidivist	14	8	6	8	0	0	0	36
Unknown	0	0	0	0	0	0	0	0
Total	25	12	18	16	0	0	0	71

Table 67: Penalty Frequencies for Previous Incarceration Groups - Convicted & Cautioned

Previous Incarceration	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
First Offender	8	1	6	4	0	0	1	20
Recidivist	3	2	5	1	0	0	0	11
Unknown	0	0	0	0	0	0	0	0
Total	11	3	11	5	0	0	1	31

Table 68: Penalty Frequencies for Previous Incarceration Groups - Case Dismissed

Previous Incarceration	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
First Offender	0	4	2	0	0	0	0	6
Recidivist	0	2	3	2	0	0	0	7
Unknown	0	0	0	0	0	0	0	0
Total	0	6	5	2	0	0	0	13

OFFENCE TYPE GROUPS

Table 69: Penalty Frequencies for Offence Type Groups - Postponement of Eligibility for Remission

Offence Type	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Violent	1	3	1	0	2	0	0	7
Against Property	0	3	0	0	4	0	0	7
Drugs	0	0	0	0	0	0	0	0
Traffic	0	0	0	0	0	0	0	0
Justice	0	0	0	0	0	0	0	0
Othr Ag. Person	0	0	0	0	0	0	0	0
Miscell.	0	0	0	0	1	0	0	1
Total	1	6	1	0	7	0	0	15

Table 70: Penalty Frequencies for Offence Type Groups - Cell Confinement

Offence Type	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Violent	7	1	0	4	1	0	0	13
Against Property	9	3	1	1	0	0	0	14
Drugs	1	0	1	0	0	0	0	2
Traffic	0	1	0	1	3	0	0	5
Justice	1	1	1	0	1	0	0	4
Othr Ag. Person	0	0	0	0	0	0	0	0
Miscell.	0	0	0	0	1	0	0	1
Total	18	6	3	6	6	0	0	39

Table 71: Penalty Frequencies for Offence Type Groups - Loss of Privileges

Offence Type	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Violent	13	5	7	6	0	0	0	31
Against Property	7	4	6	8	0	0	0	25
Drugs	1	0	0	0	0	0	0	1
Traffic	2	1	4	1	0	0	0	8
Justice	2	0	0	0	0	0	0	2
Othr Ag. Person	0	0	0	0	0	0	0	0
Miscell.	0	2	1	1	0	0	0	4
Total	25	12	18	16	0	0	0	71

Table 72: Penalty Frequencies for Offence Type Groups - Convicted & Cautioned

Offence Type	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Violent	7	1	5	3	0	0	1	17
Against Property	1	1	3	1	0	0	0	6
Drugs	0	0	0	1	0	0	0	1
Traffic	0	1	2	0	0	0	0	3
Justice	2	0	1	0	0	0	0	3
Othr Ag. Person	0	0	0	0	0	0	0	0
Miscell.	1	0	0	0	0	0	0	1
Total	11	3	11	5	0	0	1	31

Table 73: Penalty Frequencies for Offence Type Groups - Case Dismissed

Offence Type	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Violent	0	3	2	1	0	0	0	6
Against Property	0	2	2	1	0	0	0	5
Drugs	0	0	0	0	0	0	0	0
Traffic	0	0	1	0	0	0	0	1
Justice	0	0	0	0	0	0	0	0
Othr Ag. Person	0	0	0	0	0	0	0	0
Miscell.	0	1	0	0	0	0	0	1
Total	0	6	5	2	0	0	0	13



**SENTENCE LENGTH GROUPS**

*Table 74: Penalty Frequencies for Sentence Length Groups - Postponement of Eligibility for Remission*

Sentence Length	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under 3 M	0	0	0	0	0	0	0	0
3-Under 6 M	0	0	0	0	0	0	0	0
6 M-Under 1 Yr	1	2	0	0	3	0	0	6
1-Under 2 Yrs	0	1	1	0	2	0	0	4
2-Under 3 Yrs	0	0	0	0	1	0	0	1
3-Under 5 Yrs	0	3	0	0	1	0	0	4
5-Under 7 Yrs	0	0	0	0	0	0	0	0
7-Under 10 Yrs	0	0	0	0	0	0	0	0
10 Yrs & Over	0	0	0	0	0	0	0	0
Life	0	0	0	0	0	0	0	0
Total	1	6	1	0	7	0	0	15

*Table 75: Penalty Frequencies for Sentence Length Groups - Cell Confinement*

Sentence Length	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under 3 M	0	0	0	0	0	0	0	0
3-Under 6 M	2	1	1	0	1	0	0	5
6 M-Under 1 Yr	8	2	0	1	3	0	0	14
1-Under 2 Yrs	3	1	0	5	1	0	0	10
2-Under 3 Yrs	1	0	0	0	0	0	0	1
3-Under 5 Yrs	2	1	1	1	0	0	0	5
5-Under 7 Yrs	0	0	0	0	0	0	0	0
7-Under 10 Yrs	1	0	0	0	0	0	0	1
10 Yrs & Over	1	0	0	0	1	0	0	2
Life	0	1	0	0	0	0	0	1
Total	18	6	2	7	6	0	0	39

Table 76: Penalty Frequencies for Sentence Length Groups - Loss of Privileges

Sentence Length	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under 3 M	0	0	0	0	0	0	0	0
3-Under 6 M	3	0	2	1	0	0	0	6
6 M-Under 1 Yr	5	8	4	4	0	0	0	21
1-Under 2 Yrs	6	1	5	5	0	0	0	17
2-Under 3 Yrs	4	0	1	1	0	0	0	6
3-Under 5 Yrs	3	1	5	4	0	0	0	13
5-Under 7 Yrs	0	0	0	0	0	0	0	0
7-Under 10 Yrs	2	0	0	0	0	0	0	2
10 Yrs & Over	0	0	0	1	0	0	0	1
Life	2	2	1	0	0	0	0	5
Total	25	12	18	16	0	0	0	71

Table 77: Penalty Frequencies for Sentence Length Groups - Convicted & Cautioned

Sentence Length	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under 3 M	0	0	0	0	0	0	0	0
3-Under 6 M	1	0	0	0	0	0	0	1
6 M-Under 1 Yr	4	1	4	1	0	0	1	11
1-Under 2 Yrs	1	1	3	1	0	0	0	6
2-Under 3 Yrs	0	0	0	0	0	0	0	0
3-Under 5 Yrs	3	1	3	1	0	0	0	8
5-Under 7 Yrs	0	0	1	0	0	0	0	1
7-Under 10 Yrs	2	0	0	0	0	0	0	2
10 Yrs & Over	0	0	0	1	0	0	0	1
Life	0	0	0	1	0	0	0	1
Total	11	3	11	5	0	0	1	31

Table 78: Penalty Frequencies for Sentence Length Groups -Case Dismissed

Sentence Length	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Total
Under 3 M	0	0	0	0	0	0	0	0
3-Under 6 M	0	0	0	1	0	0	0	1
6 M-Under 1 Yr	0	3	2	0	0	0	0	5
1-Under 2 Yrs	0	1	1	1	0	0	0	3
2-Under 3 Yrs	0	1	1	0	0	0	0	2
3-Under 5 Yrs	0	1	0	0	0	0	0	1
5-Under 7 Yrs	0	0	0	0	0	0	0	0
7-Under 10 Yrs	0	0	0	0	0	0	0	0
10 Yrs & Over	0	0	0	0	0	0	0	0
Life	0	0	1	0	0	0	0	1
Total	0	6	5	2	0	0	0	13

# **APPENDIX I**

## **CASE STUDIES OF FREQUENT RULE INFRACTORS**

## **CASE STUDIES OF FREQUENT TROUBLE-MAKERS**

As discussed in the literature review a small segment of the prison population are often responsible for the majority of offences that occur or are reported. The following pages look at examples of frequent trouble-makers in the C.W.P inmate population during the 10 month study period.

### **Inmate 1 - "Celia"**

The first inmate to be discussed is Maori, she was 18 years of age, had never been imprisoned before, and committed an offence in the Violence category. The specific offence that resulted in imprisonment was aggravated robbery and assault. She was serving a sentence of 1 year and 10 months at the time of the study period. Celia was reported for a total of 15 incidents and 2 misconducts during the 10 month study period. A lot of the incidents reported involved drugs and a couple were in reference to verbal conflicts with other inmates. The 2 misconducts were related to prison routines - having an article in cell without the approval of an officer, and not dressed at unlock.

### **Inmate 2 - "Catherine"**

Catherine is a Pakeha woman, she was 21 years of age at the time of the study. She had not served any previous prison sentences but had spent a term at a corrective training institution. She was also incarcerated for an armed/aggravated robbery offence, and was serving a prison term of 3 years. Catherine was reported for 16 incidents and 11 misconducts. The majority of the incidents reported were in reference to interactions with other inmates, such as relationships with other inmates as well as physical conflicts. In some of the incidents officers referred to Catherine's skinhead type acts and beliefs. A large proportion of the misconducts involved fights with, and assaults of, other inmates.

### **Inmate 3 - "Jane"**

Jane is a Maori, she was 24 years old during the study period. The major offence she was imprisoned for was manslaughter which comes under the violent offence category in this study. Jane was serving a sentence of 15 years and 7 months, this was her first custodial sentence. She was reported for 8 incidents and had 4 misconduct reports written on her. A lot of the incidents reported for Jane were basically information notes for other officers. There were also some incidents reported on her interactions with other inmates which often involved verbal and physical conflicts. The misconduct reports were for institution rule violations, such as: disobeying a rule of the institution in that her radio was found in another inmate's cell; having articles in her cell without the approval of an officer in that

she did have 3 articles of clothing in her cell belonging to other inmates. One of the misconduct charges was for disobeying the order of an officer.

#### **Inmate 4 - “Marie”**

Marie is a Pakeha woman; at the time of this study she was 25 years old. She was incarcerated for the traffic offence of “Driving while Disqualified”. The sentence length imposed on Marie was 8 months. She had been imprisoned a number of times before (over 4). During the 10 month study period Marie was written up on 9 incident reports and charged with 4 misconducts. The misconduct reports written on her were in relation to drugs and alcohol and damage to the institution. She was also noted for verbal conflicts with officers in the incident reports on her file.

#### **Inmate 5 - “Caroline”**

Caroline is Maori and was serving her fifth prison sentence during the study period. She was 27 and was imprisoned for the property offence of burglary. Caroline was serving a 6 month sentence. Caroline was written up for 9 misconducts and 4 incidents. The misconduct reports were often for relations with another inmate, disobeying orders of officers and conflict with officers, a comment written on one of the charge sheets referred to Caroline’s “attitude of late” as being “very poor towards staff and inmates”. Some of the misconduct reports were for minor breaches of institutional regulations such as having articles in her cell without the permission of an officer and not being out of bed at unlock.

#### **Inmate 6 - “Jill”**

Jill was 31 years old during the research period, she is a Pakeha, and was sentenced to prison for a theft offence (property). The sentence she was serving was for 17 months and 3 weeks, this sentence was her 7th spent in custody. Jill was reported for 13 incidents and charged with 10 misconducts. The majority of her misconduct reports were written for having an article in her cell without the permission of an officer, however she was charged once for “verbally abusing” an officer. Two of the incident reports noted Jill’s involvement in making complaints about aspects of the institution. A number of the incident reports were written about Jill’s relationship with another inmate and she was in fact charged twice with “offending against good order and discipline” in relation to this friendship.

#### **Inmate 7 - “Ann”**

Ann is a Maori, she was 26 at the time of the study. She had been incarcerated once before, and was serving a sentence of 8 months. Ann was imprisoned for a number of offences, the

most severe charge being “unlawfully in possession of a shotgun”. Ann was reported for a total of 8 incidents and 5 misconducts. A number of reports were written on one incident involving drugs by a number of officers. She was also charged for having an article in her cell without the approval of an officer, and for standing in another inmate’s cell as well as for calling out to another inmate.

### **Inmate 8 - “Alice”**

Alice is a Pakeha woman who was 32 at the time of the study. She was reported as having a history of psychiatric illness and was incarcerated for an arson offence. Alice had been imprisoned once previously and had also been committed to psychiatric institutions a number of times. The prison term she was serving during the study period was for 4 years and 11 months. Alice was cited for 8 misconducts and 19 incidents in the 10 months of the study. Of the incidents and misconducts reported all, except 2 incidents, were for disruptive behaviour, conflicts with inmates and conflicts with officers.

### **Inmate 9 - “Juliet”**

Juliet is Maori, she was 46 years old during the study period and was serving her first custodial sentence. Juliet was serving a 7 year sentence for manslaughter. She had 13 incident reports and 4 misconduct charges on her file. A number of the incident reports were in reference to problems other inmates were having with Juliet’s attitude and strange behaviour. Juliet complained to an officer at one stage that she was not being treated the same as other inmates and that there was nothing wrong with her behaviour, she said she was being victimised. In one case Juliet accused an officer of being a liar and having set her up so that she was segregated. A number of officers wrote incident reports questioning Juliet’s state of mind. Both officers and inmates were reported to have problems dealing with Juliet during the 10 months of the study period.

### **Comment**

The inmates who commit a high number of offences often inflate the total numbers of incidents and misconducts for the groups they belong to (such as: Ethnic group, Age group etc.) This should be taken into account when looking at data.